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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under article 16 and 17 of the Covenant in accordance with the programme established by Economic and Social Council resolution 1988/4

Addendum

MEXICO*/

[22 September 1992]

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*/ The initial reports submitted by the Government of Mexico concerning rights covered by articles 6 to 9 (E/1984/6/Add.2), articles 10 to 12 (E/1986/3/Add.13) and articles 13 to 15 (E/1982/3/Add.8) were considered by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights at its sessions in 1982 and 1986 respectively (see E/1982/WG.1/SR.14-15 and E/1986/WG.1/SR.24, 26 and 28) and by the Committee on Economic, Social and Cultural Rights at its fourth session (see E/C.12/1990/SR.6-7 and 9).

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*/ These annexes may be consulted in the files of the United Nations Centre for Human Rights in the Spanish version received from the Government of Mexico.

INTRODUCTION

1. In accordance with article 133 of the Constitution of the United Mexican States, international treaties signed by the President of the Republic and approved by the Senate, together with the Constitution itself and the laws enacted by the Federal Congress, shall constitute the supreme law of the entire Union, and the International Covenant on Economic, Social and Cultural Rights therefore forms part of the national legislation and may serve as the basis of any legal action. The Government of Mexico, when acceding to the International Covenant, reaffirmed that the rights recognized in the Covenant were in force in Mexico, thus contributing to the extension of their universal validity and undertaking a firm commitment to that end with the community of nations.

2. This report on the period 1987-1992 draws to the attention of the Committee on Economic, Social and Cultural Rights the steps taken by the Government of Mexico to safeguard and promote individual guarantees, the term used in Mexico for the human rights enshrined in the Constitution. The second periodic report of Mexico followed the guidelines for its preparation contained in document E/C.12/1991/1 of 17 June 1991; this document facilitated the preparation of the report which, it is hoped, provides a detailed response to the questions of greatest interest to the Committee and goes into sufficient depth. In order to keep the length of the report within bounds, we do not repeat in full the questions set out in the guidelines document. For each of the relevant articles of the Covenant we have merely indicated as a subheading the number of the question (1, 2, etc.) and, where necessary, its paragraphs (a,b, etc.) and subparagraphs (i, ii, etc.). This report should therefore be read in conjunction with the guidelines document.

3. At the beginning of his term of office the President of Mexico, Carlos Salinas de Gortari, stated the firm commitment to combat extreme poverty as one of the priorities of his Government. In order to modernize the Mexican State and its society it has been essential to confront the social challenges represented by conditions of extreme poverty. In the places where poverty has created emergency situations - in the countryside, in indigenous villages, and in shanty towns - urgent action is being taken to improve education, health, supplies, food and essential basic services, but above all to demonstrate solidarity with men, women and children. Mexico's economic, social and cultural plans and projects are outlined in this report in accordance with the commitment undertaken on accession to the Covenant with which the Committee on Economic, Social and Cultural Rights is concerned.

I. GENERAL PROVISIONS OF THE COVENANT

Article 1 of the Covenant - Right to self-determination

Sole question

4. For historical reasons the defence of self-determination has been a feature of Mexico's foreign policy - so much so in fact that this traditional principle was embodied in the Constitution in article 89, section X, concerning the powers of the President of the Republic, which include the following:

> "To direct foreign policy and sign international treaties, submitting them to the Senate for approval. In the conduct of this policy the holder of the executive power shall comply with the following guiding principles: self-determination of peoples; non-intervention; peaceful settlement of disputes; prohibition of the threat or use of force in international relations; juridical equality of States; international cooperation for development; and the struggle for international peace and security."

Article 2 of the Covenant - Measures for the full realization of the rights recognized in the Covenant

Question No. 1

5. The rights of foreign nationals are recognized in article 33 of the Constitution of the United Mexican States, which states that they are entitled to the guarantees provided in chapter 1 of the Constitution, which sets out the individual guarantees, the term used for human rights in Mexico. These guarantees are contained in the first 29 articles of the Constitution and are consistent with the rights recognized in the Covenant. However, according to article 33, the executive branch of the Union shall have the exclusive power to expel from the national territory, immediately and without need for a prior court decision, any foreign national whose continued presence is judged to be inappropriate, for foreign nationals shall in no way involve themselves in the country's political affairs.

Question No. 2

6. The Government of Mexico rejects all forms of racism and racial discrimination. The national legislation contains the necessary provisions to prevent practices which may result in any form of discrimination on grounds of race or on any other grounds.

7. Mexico's basic legal instruments, in particular articles 1, 2, 3, 4, 12 and 13 of the Constitution, as well as various provisions of the Federal Labour Act, the Penal Code governing the Federal District in general matters and the whole Republic in federal matters, the Civil Code governing the Federal District in general matters and for the whole Republic in federal matters, the Federal Consumer Protection Act, and the Federal Radio and Television Act and their Regulations, constitute a framework for combating any form of discrimination.

8. Article 1 of the Constitution states:

> "Every person in the United Mexican States shall enjoy the guarantees provided by this Constitution, which shall not be restricted or suspended, except in such cases and under such conditions as are herein provided."

This article indicates that it is the State which provides all persons in the national territory with the same kind of guarantees, whether they are nationals or not, regardless of their political or religious opinions, their social status or economic circumstances, and their ethnic race or origin, and therefore all the inhabitants of the country are equal before the law. The second part of the provision cited above establishes a formal limit on State power, in whatever form it is manifested, in order that these guarantees shall not be restricted or suspended, except in such cases and under such conditions as the Constitution itself provides.

9. Article 2 of the Constitution prohibits "slavery in the United Mexican States. Slaves who enter the national territory from abroad shall, merely by so doing, recover their freedom and enjoy the protection of the laws."

10. Article 3, concerning education, guarantees in its section I the freedom of thought, thus preventing any kind of discrimination based on religion or belief. This same article states in its section I, paragraph (c), that education shall contribute to "fostering the ideals of the brotherhood and equality of rights of all persons, thus denying privilege to any race, sect, group, sex or individual". This provision has the effect of excluding every kind of discrimination in Mexican law. The text of this provision will be found in annex 1.

11. Article 4 states that "men and women are equal before the law". Article 12 states that "no titles of nobility, or prerogatives or hereditary honours shall be granted in the United Mexican States, nor shall any effect be given to those granted by any other country". Article 13 provides that "no one

may be tried by private laws or special tribunals. No person or corporation shall be exempt".

12. Furthermore, article 3 of the Federal Labour Act states that "...no distinctions shall be made between workers on the grounds of race, sex, age, religious belief, political opinion or social status."

13. Article 364 of the Penal Code governing the Federal District in general matters and the whole Republic in federal matters prescribes a penalty of one month to three years of imprisonment and a corresponding fine for "any person who violates in any way, to the detriment of another person, the rights and guarantees granted to individuals by the Constitution of the Republic."

14. The Federal Consumer Protection Act states in its article 44:

> "Providers of services who offer their services to the general public shall establish no preferences or discriminate in any way among those requesting the service, such as selection of clients, refusal of the right of admission, and other similar practices...".

In its article 54 this Act also states:

> "All commercial or services enterprises shall be strictly prohibited from taking against members of the public any direct action which may adversely affect their freedom, safety and personal integrity, or from carrying out any kind of inquiries or maintaining personal records, or in general from engaging in acts which offend the dignity and decency of the public."

15. In addition, the Federal Radio and Television Act states in its article 63 that "any broadcast which produces ... any effect which may cause ... discrimination between races shall be prohibited... ". Furthermore, article 36 of the Regulations of the Federal Radio and Television Act and of the Cinematographic Industry Act states the following with respect to the content of programmes:

> "Concessionaires, licensees, presenters, reporters, commentators, performers, announcers, advertizing agencies, advertisers and other persons participating in the preparation or presentation of programmes and commercial advertizing by radio and television shall be subject to the following prohibition: Section II. Any action which ... directly or indirectly discriminates against any race."

16. The articles cited above demonstrate that in the Mexican Republic the rules regulating behaviour are of a general nature, that all persons are bound by these rules, that discriminatory laws do not exist, and that all persons enjoy the same rights.

17. Furthermore, Mexico is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, ratified on 20 February 1975, the International Convention on Suppression and Punishment of the Crime of Apartheid, ratified on 4 March 1980, and the International Convention Against Apartheid in Sports, ratified on 18 June 1987.

Question No. 3

18. This question will be dealt with in the answers to the Committee's subsequent questions.

II. SPECIFIC RIGHTS

Article 6 of the Covenant - Right to work

Question No. 1

19. The Government of Mexico is a party to the following conventions:

The International Convention on the Elimination of all Forms of Racial Discrimination;

The Convention on the Elimination of all Forms of Discrimination Against Women.

The Committee may refer to the periodic reports submitted by Mexico which answer many of the questions concerning the topics of discrimination and women's rights.

Question No. 2 (a)

20. Mexico's workforce totals a little over 234 million persons aged over 12, of whom 97.3 per cent, i.e. 23.4 million, have jobs. In 1990, therefore, the open unemployment rate was 2.7 per cent. According to the results of the 1990 general population and housing census, 36.7 per cent of the employed population had incomes in that year of between one and two minimum wages; 19.3 per cent earned less than one minimum wage; 15.1 per cent had three to five times the minimum legal wage; 7.6 per cent received more than five minimum wages, and 4.3 per cent fell into no specific category.

21. In Mexico 66 per cent of the economically active population has completed primary education, 44 per cent has some secondary schooling, 20 per cent has graduated from high school, and only one in 10 persons of working age has completed a professional course.

22. Twenty-two per cent of the employed population is found in agriculture, followed by 15.9 per cent craftsmen and blue-collar workers, 9.4 per cent shop keepers and shop assistants, and 9.3 per cent office workers. Women provide a clear majority of domestic workers and, to a lesser extent, of education and office workers.

23. A breakdown of the employed population by job shows that, of the federal states, the Federal District and Nuevo León have the highest percentages of blue-collar workers and the lowest of labourers. In contrast, Chiapas and Oaxaca have the lowest percentages of white-collar and blue-collar workers, while Hidalgo and Sinaloa have the highest percentages of labourers. The highest percentages of self-employed workers are found in Chiapas and Oaxaca, while Nuevo León, Baja California and Coahuila have the lowest percentages.

24. The distribution by sector of the employed population aged 12 and above underwent significant changes between 1970 and 1980, with a particularly sharp relative increase in the tertiary sector from 31.9 to 46.1 per cent, and a decline in the primary sector from 39.3 per cent in 1970 to 22.6 per cent in 1990. The secondary sector also showed an increase from 23 to 27.9 per cent.

25. The sectoral distribution by sex of the employed population showed a sharply contrasted situation among women, of whom 70.3 per cent worked in the tertiary sector, against 3.4 per cent in the primary.

26. With respect to training and employment activities for disabled workers, the Department of Special Education of the Ministry of Public Education has recourse to special training centres, which are designed to provide job training for mentally disabled young people aged 14 to 20 who because of their disability cannot attend normal schools.

27. The management and technical support staff of these institutions works very hard to increase the awareness and secure the support of employers in the public and private sectors in order to find their students jobs and offer them

the best work options suited to their capabilities, and thus enable them to lead productive lives.

28. In this area the 1989-1994 programme for the modernization of education began with an operational model for the integration in education and employment of the persons cared for by these services; in the future this project will provide precise figures on the integration of students in normal schools and in the workforce.

29. The Department of Special Education provides protected workshops where the graduates of their schools have an opportunity to work. Special attention is given to persons whose disabilities prevent them from joining the general workforce, and they are paid for their work from the proceeds of the sale of their own products. There are protected workshops for assembly work, silkscreen printing, bakery, laundry, carpentry, printing, plastics and catering. The following target has been set for measuring the success of these small enterprises: to win market competitiveness and the confidence of manufacturers in order to secure a part in the production of goods at a decent wage for the disabled workers.

Questions No. 2 (b) and (c)

30. The National Development Plan 1989-1994 (NDP) specifies the strategic policies for promoting the creation of productive and well paid jobs and the increase of real wages as essential means of improving the living standards of the country's population. The attainment of these goals depends on economic stability, increased investment to expand the job supply, improvements in productivity, and encouragement of workers' participation in the process of economic change.

31. Within the framework of the NDP the following important measures *inter alia* are being implemented: economic deregulation; fiscal adjustment; restructuring of public expenditure; and coordination with the country's economic and social sectors. As a result of this, Mexico has set out again on the path of growth, and the increase in national output is once again higher than the population increase; investment has risen above the levels of previous years; non-oil exports have grown vigorously; inflation has declined considerably; real wages in industry have been recovering; and the rate of open unemployment among the economically active population has declined. In this context of continuity in the policies described above it is to be hoped that the generation of increased opportunities of productive jobs for the population will facilitate progress in the solution of the country's unemployment problems.

Question No. 2 (d)

32. The freedom of choice of employment is a constitutional right for all Mexicans, as stated in article 5 of the Constitution:

> "No person shall be prevented from engaging in the profession, industrial or commercial pursuit or occupation of his choice, provided it is lawful. The exercise of this freedom may be forbidden only by judicial order when the rights of third parties are infringed, or by administrative order issued in the manner provided by law when the rights of society are violated. No one may be deprived of the fruits of his labour except by judicial decision.
>
> The law shall determine in each federal state the professions which may be exercised only with a degree qualification and shall specify the requirements for obtaining it and the authorities empowered to issue it.
>
> No one shall be compelled to render personal services without due remuneration and without his full consent, except for labour imposed as a penalty by the judiciary, which shall be governed by the provisions of article 123, sections I and II.

> Only the following public services shall be obligatory, subject to the conditions set forth in the respective laws: military service, jury service, ans service in municipal and other public elective offices, whether the election is direct or indirect. Service in connection with elections and censuses shall be obligatory and without remuneration, but professional services within the meaning of this Constitution and the relevant laws shall be remunerated. Professional services of a social nature shall be obligatory but remunerated in the manner specified in the law and with the exceptions set forth therein.
>
> The State shall not permit the execution of any contract, covenant or agreement having for its object the restriction, loss or irrevocable sacrifice of individual freedom, whether on account of work, education or religious vows. The law, therefore, shall not permit the establishment of monastic orders, whatever their denomination or purpose.
>
> Nor can any person legally agree to his own proscription or exile or to the temporary or permanent renunciation of the exercise of a given profession or industrial or commercial pursuit.
>
> A labour contract shall be binding only for performance of the service agreed on for the time set by law and may never exceed one year to the detriment of the worker. In no case may it include the waiver, loss or restriction of political or civil rights.
>
> Non-compliance with such a contract by the worker shall entail only civil liability and in no case shall it entail coercion against his person."

33. The Federal Labour Act, which gives effect to article 123 of the Constitution, states explicitly the right of all individuals to find employment in any activity provided it is legal. Furthermore, the conditions of labour contained in the Act itself guarantee the protection of the political and economic freedoms of workers, for their individual and collective rights are taken fully into account in the regulation of capital-labour relations.

Question No. 2 (e)

34. One of the main goals of the 1990-1994 national training and productivity programme is to upgrade the capacities, skills and abilities of the people in order to increase their opportunities for productive work, improve their living standards, contribute to more rational and efficient use of society's resources, provide more ways for more active and creative participation by the working population in the production process and develop its capacity to adapt to technological changes in production structures, and promote the development of bonds of solidarity which help to reduce social deprivation and create opportunities for productive participation by marginal groups.

35. This programme includes a manpower training project, whose objective is to promote the training of the manpower required by the country in order to increase the productivity and competitiveness of small and medium-sized industry. The project has been operating since 1987 with partial financing from the World Bank and has two basic components designed to improve the technical and vocational training of the country's workforce:

(a) The programme for strengthening the National Employment Service and provision of training grants for workers is designed to upgrade the National Employment Service to enable it to support as fully as possible and to encourage social organization for work, self-employment and the formation of small enterprises as alternative sources of jobs for the country's idle labour; it is also intended to develop work capacities, skills and abilities as a means of access to better permanent job opportunities. This programme operates throughout the country and provided training grants for 238,400 people between 1988 and 1991; in addition, almost 580,000 job applications were received, 920,800 vacancies were registered, and 731,300 applicants were referred for jobs;

(b) The programme for industrial manpower training, which operates through the training promotion units, has the task of identifying the training needs of micro, small and medium-sized manufacturing enterprises and to put them in touch with sources of training, or to design and establish training programmes to meet these needs. This programme, which has 26 units in the country, benefited almost 129,000 workers from 46,600 enterprises between 1988 and 1991.

Question No. 2 (f)

36. The objectives of full employment are pursued at all levels of the country's economic activity, and the difficulties encountered in attaining these objectives are mainly economic ones. Given this situation, the NDP contains a clear statement of the strategy outlined above as a means of overcoming these problems. In Mexico there is no difficulty with regard to the free choice of employment, and this right is specified in article 5 of the Constitution of the Republic.

Question No. 3 (a)

37. In Mexico there are no distinctions based on race, colour, sex, religion, political opinion, nationality or social origin. Article 123 of the Constitution prohibits any kind of unequal treatment.

Question No. 3 (b)

38. Vocational training currently has two main purposes in Mexico:

(a) To cater for the social and economic demand from the population, which entails restructuring and updating the range of courses and study options and redistributing the provision of education so as to increase the number of persons receiving scientific and technological training. This is being done in a context of expanding the cover and offering opportunities in all areas of knowledge and culture;

(b) To improve the quality of education services and research and technological development activities; this has resulted in concrete programmes and specific activities for the training of teachers by various methods, updating and adapting the training of serving teachers, and establishing interagency collaboration programmes. In addition, there has been increased investment in improved materials and equipment both for research and teaching and for the management of services. Emphasis has been given to libraries and telecommunications.

Question No. 3 (c)

39. The reply is negative, in accordance with the answer to question 3 (a).

Question No. 4

40. According to the information available, a relatively small proportion of the country's working population holds more than one job; however, in recent years a slight increase in this phenomenon has been noted in the most urbanized areas. There follows a brief analysis of this situation on the basis of information from the national employment survey - a household survey specifically designed to collect employment data which was carried out at the national level in 1988 and 1991 by the National Statistics, Geography and Information Technology Institute (INEGI) using the model of the national urban employment survey and with the support of the Ministry of Labour and Social Welfare.

41. According to the preliminary results of the national employment survey, in the second quarter of 1991 a total of 156,662 persons were employed and were also seeking an additional job; this represented 1.8 per cent of the country's total employed population. A geographical breakdown of this figure shows the following results:

(a) A larger proportion of the employed population was seeking an additional job in the less urbanized areas (2.5 per cent, as against 1.1 per cent in the more urbanized areas);

(b) The desire for an additional job was commoner among men (2.2 per cent) than among women (0.9 per cent);

(c) The largest numbers seeking an additional job were found among construction industry workers (3.5 per cent) and farm workers (3.2 per cent);

(d) In terms of job category, the highest rates were found among employers (3.8 per cent), self-employed workers (2.3 per cent) and unpaid workers (2 per cent);

(e) The highest rates were found among people working 15 to 24 hours a week (3.8 per cent) and under 15 hours (3.2 per cent).

42. The results of the survey also show that in the second quarter of 1991 466,160 persons in the more urbanized areas had a second job; this represented 3.3 per cent of the employed population in these areas. The following features of this phenomenon must be emphasized:

(a) A larger proportion of employed men (3.4 per cent) than women (3.1 per cent) had a second job;

(b) The highest proportions of workers with an additional job were found among those who worked in their main job as professionals, skilled staff or teachers (8.9 per cent), as performing artistes (5.4 per cent), or as security staff (4.6 per cent);

(c) The second jobs of these people were mainly in professional, technical, skilled and teaching occupations (41 per cent), as shop assistants and vendors (18.7 per cent) and as industrial workers (15.6 per cent).

43. A comparison of the data provided by the 1988 and 1991 national employment surveys shows that in the more urbanized areas of the country the proportion of the employed population seeking an additional job fell from 1.3 to 1.1 per cent. However, in this same period the employed population holding an additional job increased its relative share from 3.1 to 3.3 per cent.

Question No. 5

44. The gradual recovery in the country's economic growth has improved employment levels. The rate of open unemployment in the 16 main areas of the country declined on average from 2.75 per cent in 1990 to 2.63 per cent in 1991. In 1991 a national training and productivity programme was introduced in order to help to improve the qualifications of the working population and the productivity and quality of enterprises. The advances achieved in the main economic indicators led to increases in the real wages of workers in some sectors. Manufacturing recorded an annual increase of 5 per cent in 1991; similarly, the average salary subject to contributions to the Mexican Social Security Institute showed an annual increase of 3.1 per cent in real terms in the same period. In 1991 the average general minimum wage increased by 17.4 per cent over the previous year.

Question No. 6

45. Activities under cooperation agreements with various countries and international bodies have taken place in the areas of training, productivity and quality control. In particular, under the action plan for cooperation derived from the bases of understanding and cooperation in labour matters signed in 1991 by the Ministry of Labour and Social Welfare and the Department of Labor of the United States, a regular exchange of information and statistics was initiated and it was agreed that studies would be carried out in both countries on specific matters of common interest.

Article 7 of the Covenant - Right to just and favourable conditions of work

Question No. 1

46. The questions concerning the right to work are answered in this report without reference to other documents submitted by the Government of Mexico.

Question No. 2 (a)

47. In Mexico everyone has the right to appropriate and socially useful work. The organization of work, including its forms of remuneration, is covered in article 123, parts A and B, of the Constitution of the United Mexican States. Part A deals with all the worker-employer relations of blue-collar workers, labourers, domestic workers, and craftsmen, and in general terms with all labour contracts; part B regulates the relations between the branches of the Union and the government of the Federal District and their employees. Accordingly, while part A is implemented by means of the Federal Labour Act and its Regulations, part B is implemented by means of the Federal Act governing State Workers, except in the case of members of the armed forces and public security bodies and staff serving abroad, who are governed by specific legislation.

48. Where remuneration for work is concerned, the Federal Labour Act envisages three systems: general minimum wages and minimum professional salaries; collective labour agreements; and statutory agreements. The Federal Act governing State Workers regulates remuneration through the respective government budgets, but the amount of remuneration may not be reduced during the period of a budget.

System for establishing general minimum wages and minimum professional salaries

49. The Federal Labour Act stipulates that the minimum wages of workers shall be either general or professional. The general minimum wages are regulated within each of the three geographical areas into which the country is divided for this purpose, while the minimum professional salaries apply to a given branch of economic activity or to a profession, a post or special work, within one or several geographic areas. The minimum wage is the lowest cash amount which a worker must receive for the services rendered in a working day. The concept of social justice which governs the establishment of the general minimum wages is that they must be sufficient to meet the material, social and cultural needs of a head of family and provide for the compulsory education of his or her children, whereas the minimum professional salaries also take into account the circumstances of the various economic activities.

50. It is regarded as socially useful to establish institutions and measures to safeguard the purchasing power of wages and make it easier for workers to satisfy their needs. The minimum wages are fixed by a national commission made up of representatives of workers, employers and the Government which may call for assistance from special advisory commissions when it deems this necessary for the proper performance of its functions. This system is described fully in the answer to question 2 (b).

System for fixing wages in collective labour agreements

51. A collective labour agreement is an agreement between one or several trade unions and one or several employers or one or several employers' associations establishing the conditions under which labour is provided in one or more enterprises or establishments. The Federal Labour Act stipulates that an employer who employs workers who are members of a trade union shall be required to sign a collective agreement with the trade union when it so requests. If the employer refuses to sign the agreement, the workers may exercise their right to strike.

52. All collective agreements must include, among other provisions, the amount of wages, and any collective agreement which omits this information shall be considered void. Furthermore, a collective agreement may not contain terms

less favourable to the workers than those contained in existing contracts in the enterprise, and it is also stipulated that collective agreements shall be reviewed every year with respect to the daily wage.

System for fixing wages in statutory agreements

53. A statutory agreement is an agreement signed between one or several trade unions and several employers or one or several employers' associations establishing the conditions under which labour is provided in a specific branch of industry and promulgated in one or several federal states or one or several economic zones covered by one or more federal states, or throughout the whole country. Statutory agreements may be signed for industries under federal or local jurisdiction. The signing of a statutory agreement may also be requested by trade unions representing two thirds of the unionized workers in at least one branch of industry in one or several federal states, in one or more economic zones covered by one or more federal states, or throughout the whole country.

54. In no case may the period of a statutory agreement exceed two years, and no statutory agreement shall be valid unless it states the amount of wages. In addition, statutory agreements shall be reviewed every year with respect to cash wages or daily remuneration. Statutory agreements shall be implemented regardless of any conflicting provision contained in a collective agreement signed by the enterprise, unless such provision is more favourable to the workers. Statutory agreements shall take effect from the date of their publication in the Diario Oficial of the Federation or in the official gazette of the federal state, unless the parties indicate a different date.

Question No. 2 (b)

55. Mexico does have a system of minimum wages. The minimum wage is a topic of high economic and social priority in Mexican law. Since 1917 the Constitution of the United Mexican States has regarded it as an inalienable guarantee for workers, and for several decades article 123, part A, section VI, which covers this matter, has been given effect through the Federal Labour Act, with functions and powers assigned to the National Minimum Wages Commission .

56. The National Commission operates with a President, a Council of Representatives and a Technical Board. The Act stipulates in its article 554 that the Council of Representatives shall consist of members of the Government, in the person of the President of the Commission, who also acts as president of the Council and casts the Government's vote, and two non-voting advisers appointed by the Minister of Labour and Social Welfare; it also has an equal number, not less than five or more than 15, of representatives and deputy representatives of unionized workers and employers, appointed every four years in response to a request issued by the Ministry of Labour and Social Welfare. The membership of the Council of Representatives must be established by 1 July of the year in question at the latest.

57. Article 557 of the Act assigns the following duties and functions to the Council of Representatives: to determine, at its first meeting, its working methods and the periodicity of its meetings; to approve annually the programme of work of the Technical Board; to consider the report of the Technical Board and adopt a resolution establishing or modifying the geographical areas in which the minimum wages shall apply; to arrange for the publication of the resolution in the Diario Oficial of the Federation; to carry out directly any research and studies which its sees fit and to request the Technical Board to carry out additional research and studies; to appoint one or several committees to carry out research or make special studies; to approve the creation of advisory commissions of the National Commission and determine the bases of their membership and operation; to consider the opinions formulated by the advisory commissions on the conclusion of their work; to fix the minimum general wages and professional salaries; and to perform the other functions assigned to it by legislation.

58. Accordingly, the Council of Representatives is the competent authority for determining the groups to which the minimum general wages and professional

salaries shall apply. In the performance of its functions, this collegiate body carries out any research and studies which it thinks necessary; it requests the Technical Board to make studies of the national economy and changes in the cost of living and to analyse certain occupations, as well as carrying out other technical tasks. In addition, when necessary it creates advisory commissions to carry out research in greater detail in certain specific areas.

59. Annex 2 includes a table showing the general minimum wages and minimum professional salaries for each of the three geographical areas effective from 1 January 1992, as fixed by the Council of Representatives of the National Commission on 4 December 1991 and published on the following day in the Diario Oficial of the Federation.

60. As to whether there are any wage earners remaining unprotected by the system of minimum wages in law or in fact, the legislation stipulates that in law all wage earners are protected by the system of minimum wages. In fact there are wage earners in the informal sectors who may not be enjoying this protection.

Question No. 2 (b) (i)

61. The minimum wages do have the force of law. They are fixed in response to the constitutional mandate contained in article 123, part A, section IV, and are given effect in article 557 of the Federal Labour Act, which empowers the Council of Representatives of the National Commission to set the general minimum wages and professional salaries, which are published in the Diario Oficial of the Federation for general observance.

Question No. 2 (b) (ii)

62. The National Commission, through the Technical Board, carries out studies and research on a continuing basis and monitors price movements so as to provide a regular assessment of the country's economic situation; movements in the various economic activities and variations in the cost of living and the living standards of minimum wage earners, amongst other information, enable the Council of Representatives to be kept properly and regularly informed about matters relating to the performance of its functions, including the primary functions, already mentioned, of setting or revising minimum levels of remuneration.

63. There follow extracts from articles 561, 562 and 563 of the Federal Labour Act, which describe the studies and technical activities carried out in the National Commission in connection with the decisions to be taken by the Council of Representatives on the setting of minimum remuneration, and these extracts are followed by parts of the text of articles 564, 567, 568 and 569, concerning the advisory commissions:

> "Article 561 - The Technical Board shall have the following duties and functions:
>
> I. To carry out the necessary and appropriate technical studies for determining the division of the Republic into geographical areas, and to prepare a report and submit it to the Council of Representatives.
>
> II. To propose to the Council of Representatives changes in the division of the Republic into geographical areas and in the composition of these areas, provided that circumstances justify such changes.
>
> III. To carry out the necessary and appropriate research and studies to enable the Council of Representatives to fix the minimum wages.
>
> IV. To suggest the levels of minimum professional salaries.
>
> V. To publish regularly any fluctuations in prices and their impact on the cost of living in the main areas of the country.

VI. To take decisions, on the instructions of the President, on the opinions submitted to it concerning fluctuations in prices and their impact on the purchasing power of wages.

VII. To support the technical work and research of the advisory commissions.

VIII. To perform the other functions assigned to it by legislation."

"Article 562 - In the performance of the functions referred to in section III of the previous article the Technical Board shall:

I. Carry out the necessary and appropriate research and studies to determine, at least:

(a) The country's general economic situation;

(b) The most important changes in the various economic activities;

(c) Variations in the cost of living;

(d) Conditions in the labour market and wage structures.

II. To carry out periodical research and studies to determine:

(a) The income needed to satisfy the following individual family needs, *inter alia*: material needs such as housing, housekeeping, food, clothing and transport; social and cultural needs such as attendance at entertainments, sports, and visits to training schools, libraries and other cultural centres; and needs connected with the education of the family's children;

(b) The living and working conditions of minimum wage earners.

III. To request all kinds of reports and studies from official, federal and state institutions and from private individuals working on economic problems, such as social research institutes, chambers of trade, chambers of industry and other similar institutions.

IV. To receive and consider studies, reports and suggestions from workers and employers.

V. To prepare a report on the research and studies carried out and on those submitted by workers and employers and to transmit them to the Council of Representatives for its consideration."

"Article 563 - The Technical Director shall have the following duties and functions:

I. To coordinate the work of the advisers.

II. To keep the President of the Commission and the Council of Representatives informed about the state of the work and to suggest additional research and studies.

III. To act as secretary of the Council of Representatives.

IV. To establish, when necessary and with the consent of the President of the National Commission, the technical secretariats of the advisory commissions.

V. To perform the other functions assigned to him by legislation."

"Article 564 - The President of the National Commission shall determine, in each case, the organizational and operational bases of the advisory commissions."

"Article 567 - The advisory commissions shall have the following duties and functions:

I. To determine at the first meeting their working methods and the periodicity of their meetings.

II. To approve the programme of work formulated by the technical secretary and to request him, in turn, to carry out additional research and studies.

III. To carry out directly any research which it thinks necessary for the proper performance of its functions.

IV. To request directly, when it sees fit, the reports and studies referred to in article 562, section III.

V. To seek the opinions of workers' and employers' organizations and in general of any public or private bodies.

VI. To receive suggestions and studies submitted by workers, employers and in general by any public or private body.

VII. To collect all the information which it deems necessary and appropriate for the performance of its functions.
VIII. To issue a report with the opinions and recommendations which it deems relevant to the matters falling within its competence.

IX. To carry out the other functions assigned to them by legislation."

"Article 568 - The president of an advisory commission shall have the following duties and functions:

I. To convene and preside over the commission's meetings.

II. To submit to the advisory commission the programme of work formulated by the technical secretary and to monitor its progress.

III. To keep the President of the National Commission regularly informed about the progress of the work of the advisory commission and to inform him of its completion.

IV. To submit to the Council of Representatives through the President of the National Commission the results of the work of the advisory commission."

"Article 569 - The technical secretary of an advisory commission shall have the following duties and functions:

I. To carry out the research and studies envisaged in the programme of work approved by the advisory commission and any further research and studies entrusted to him.

II. To request all kinds of reports and studies from official departments and institutions and public and private bodies in connection with their work.

III. To receive and consider studies, reports and suggestions submitted by workers and employers.

IV. To collect any other information which he deems necessary and appropriate.

V. To prepare the working papers and reports required by the commission.

VI. To prepare a final report which shall include the results of the research and studies and a summary of the suggestions and studies submitted by workers and employers for transmission to the advisory commission.

VII. To perform the other functions assigned to him by legislation."

Question No. 2 (b) (iii)

64. The Federal Labour Act stipulates the procedures for fixing and revising minimum wages. The general minimum wages and professional salaries are fixed annually and come into force on 1 January of the following year; they may be revised at any time while they are in force, provided that this is justified by economic circumstances. There follow extracts from articles 570, 571, 573 and 574 of the Federal Labour Act, which describe the procedures for fixing and revising minimum wages in the National Minimum Wages Commission.

> "Article 570 - The minimum wages shall be fixed annually and shall come into force on 1 January of the following year. The minimum wages may be revised at any time while they are in force, provided that this is justified by economic circumstances:
>
> I. On the initiative of the Minister of Labour and Social Welfare, who shall submit to the President of the National Minimum Wages Commission a written request setting out the reasons for the initiative; or
>
> II. At the request of trade unions, federations and confederations of workers or employers, providing that the following requirements are met:
>
> > (a) The request shall be submitted to the Ministry of Labour and Social Welfare by trade unions, federations and confederations representing at least 51 per cent of the unionized workers, or by employers employing at least the same percentage of the workers;
> >
> > (b) The request shall explain the reasons for its submission and shall be accompanied by any necessary studies and documents;
> >
> > (c) The Minister of Labour and Social Welfare, within five days from the date of receipt of the request and on certification of the majority referred to in subparagraph (a) of this section, shall convey it to the President of the National Minimum Wages Commission with the accompanying studies and documents."
>
> "Article 571 - In fixing the minimum wages referred to in article 570, section I, the following rules shall be observed:
>
> I. The workers and employers shall have up until the last day of November to submit any studies which they deem appropriate.
>
> II. The Technical Board shall submit to the Council of Representatives for its consideration, by the last day of November at the latest, the report referred to in article 562, section V, of this Act.
>
> III. The Council of Representatives, during the month of December and by the last working day of the month, shall adopt a resolution fixing the minimum wages after having studied the report of the Technical Board and the opinions, studies and research submitted by the workers and employers. For this purpose it shall carry out directly any research and studies which it deems fit and request supplementary information from the Technical Board.
>
> IV. The National Commission shall set out in its resolution the facts which justify it.
>
> V. Once the resolution has been adopted, the President of the Commission shall arrange for its publication in the *Diaric Oficial* of the Federation by 31 December at the latest."

"Article 573 - In the revision of the minimum wages referred to in article 570, section II, of the Act the following procedures shall be followed:

I. The President of the National Commission, within three days from the date of receipt of the request from the Minister of Labour and Social Welfare or, as the case may be, of the request submitted by workers' or employers' organizations, shall convene the Council of Representatives in order to consider the request and decide whether the supporting arguments are sufficient for the revision process to be set in motion. If the decision is affirmative, he shall instruct the Technical Board to prepare a report concerning price movements and their impact on the purchasing power of minimum wages, and concerning the most significant data in the national economic situation, so that the Council of Representatives is provided with the necessary information for its review of the existing minimum wages and for any necessary changes. If the decision is negative, the Minister of Labour and Social Welfare shall be so informed.

II. The Technical Board shall have a period of five days from the date on which it is instructed by the President of the National Commission to prepare the report referred to in the previous section and transmit it to the Council of Representatives through the President of the Commission.

III. The Council of Representatives, within three days from the date of receipt of the report of the Technical Board, shall take the appropriate decision, making any necessary changes in the minimum wages.

IV. The decision of the National Commission shall set the date on which any new minimum wages are to enter into force, which shall not be later than 10 days from the date of the adoption of the decision;

V. The President of the National Minimum Wages Commission shall arrange for the publication of the decision in the Diario Oficial of the Federation within three days from the date of its adoption."

"Article 574 - In the procedures referred to in this chapter the following rules shall be observed:

I. For a meeting of the Council of Representatives of the National Commission to take place, at least 51 per cent of its total membership must be present.

II. If one or more representatives of the workers or the employers fail to attend any meeting, their deputies shall be summoned; if the deputies do not attend the meeting for which they are summoned, the President of the Commission shall so report to the Minister of Labour and Social Welfare so that he can appoint a person or persons to join the Commission in place of the absent representatives.

III. Decisions shall be taken by a majority vote of the members present. In the event of a tie, the votes of the absent members shall be added to the vote of the President of the Commission.

IV. A record shall be made of each meeting, which shall be signed by the President and the Secretary."

Question No. 2 (b) (iv)

65. One of the factors of special importance in fixing the minimum wages is the evolution in their purchasing power. In order to provide sufficient information about the behaviour of this variable over the past 10 years, a historical series is drawn up which shows the monthly movement of the prices of basic consumer goods and services and the impact on the purchasing power of minimum wages. On the basis of this series it is possible to obtain directly the variations in the real minimum wage in the various periods which are regarded as worthy of consideration.

66. Accordingly, annex 3 shows: changes in the real minimum wage in the period 1982-1991; the national average of the minimum legal wage in force in the country at its nominal value; the price index applicable to households with incomes equivalent to the minimum wage and its monthly and annual movement; the real value of the minimum wage in constant 1978 pesos and the real minimum wage index using the base 1978=100; and a graph showing the movement of the real minimum wage in the period 1982-1991.

Question No. 2 (b) (v)

67. The system of minimum wages is indeed supervised. Article 570 of the Federal Labour Act, already mentioned in the answer to question 2 (b) (iii) (see para. 64), states that the minimum wages shall be fixed annually and shall enter into force on 1 January and that they may be revised at any time while they are in force when this is justified by economic circumstances.

Questions No. 2 (c) and 2 (c) (i) and (ii)

68. In Mexico there is no inequality based on sex or nationality in remuneration for work of equal value. The Constitution of the United Mexican States is explicit in this connection in its article 123, which stipulates in part A, section VII, that: "There must be equal remuneration for equal work, regardless of sex or nationality". Equal remuneration for equal work is one of the principles of article 123 of the Constitution, which prohibits discrimination on the grounds of sex or nationality and states explicitly that jobs must carry equal remuneration. In this connection it should be mentioned that the Government of Mexico has ratified the ILO Equal Remuneration Convention, 1951 (No. 100).

69. With regard to the conditions of work for women, Title Three of the Federal Labour Act states that there shall be no differences in conditions of work based on race, nationality, sex, age, religion or political opinion.

Question No. 2 (d)

70. The information available on this point relates to the average wage subject to contributions to the Mexican Social Security Institute (IMSS); it should be emphasized that this is an essential indicator for analysis of the behaviour of wage structures since it covers all wage earners in the private formal sector of the economy.

71. It therefore refers to the average value of the remuneration received for work as employees by the permanently insured population which contributes to IMSS, specifically under the insurance provisions of the ordinary urban scheme, the contributory scheme, and the rural wage earners scheme; this average value is obtained by weighting the total wage subject to contributions by the number of workers who receive it. It must be emphasized that this total wage, in accordance with article 32 of the IMSS Act, includes both cash payments for daily work and gratuities, payments for food and housing, bonuses, commissions and payments in kind and any other payment or benefit awarded to a worker for his services.

72. In order to provide a broad framework of data on this variable over the past five and 10 years, annex 4 shows a historical series with the available data - by two-monthly periods - from December 1982. This series shows: the national average of the average wage subject to contributions at its nominal value, the national consumer price index, the real value of the average wage in constant December 1982 pesos, and the average real wage index, also using the base December 1982=100. The annex also contains a graph showing movements in real wages in the period from December 1982 to December 1991.

Question No. 3

73. In matters relating to the Ministry of Labour, the Department of Federal Labour Inspection and the Department of Legal Affairs are the bodies responsible for establishing the procedures and monitoring compliance with the labour and social security regulations and the relevant contractual relations.

The occupational health and safety regulations must be observed in every kind of enterprise, including family ones.

Question No. 3 (a)

74. The legal provisions governing health and safety are of general application throughout the Republic and are designed to maintain balance and social justice in worker-employer relations, as well as requiring that work is performed in conditions which safeguard the lives and health of the workers.

Question No. 3 (b)

75. Readers are referred to annex 5, which contains statistical data on the incidence of occupational accidents and diseases from 1980 to 1990.

Questions Nos. 4 and 4 (a) and (b)

76. Equal opportunity for promotion of workers is dealt with at length in Title Four of the Act. It is emphasized that vacant or newly created posts shall be filled from a promotion roster by a worker in the immediately lower category. Given proper worker training in the enterprise, the promotion will go to the most suitable worker with longest service. Other conditions being equal, the vacant post will be awarded to a worker who has family responsibilities and, if the equality persists, to the most skilled worker.

77. Persons working on their own account (urban and rural) earn lower incomes and do not have equality of opportunity. The economic measures adopted by the Government of Mexico are designed to correct such inequalities. However, the results will be seen only in the medium term.

78. Where the situation of women is concerned, the 1990 census indicated that the employed population totalled 23,403,413: 17,882,142 men and 5,521,271 women. For the census 18 categories of activity were used, ranging from professionals to security personnel, and in only two of these categories - education and domestic workers - were the figures for employed women higher than those for men, while in the professional category the census recorded 460,043 men and 163,578 women. The occupations showing the greatest differences were farm workers (4,989,771 men and 183,954 women) and transport workers (1,159,836 men and 11,783 women).

79. A breakdown of the census by federal state shows that in the economically or culturally less developed states four or five times fewer women are employed than men; this is the case in the States of Campeche, Michoacán, Oaxaca, Puebla and Quintana Roo. However, in the more developed states, where there is a bigger supply of jobs, the difference is two or three times; this is the case in the Federal District and the States of México and Nuevo León.

80. Another measure designed to eliminate the inequality suffered by women was the creation in 1985 of the National Commission on Women which, among its other activities, promotes and monitors the observance of labour rights. Despite the increasing participation by women in the various areas of national life major differences and inequalities persist with regard to the number and quality of the opportunities available to women in education, in work and in political and social organizations. This situation is incompatible with our democratic aspirations and it must be changed.

Questions Nos. 5 and 5 (a) and (b)

81. Title Three of the Federal Labour Act, concerning conditions of work, stipulates specific guidelines for such matters as rest, free time, working hours, holidays, and payment for unworked public holidays. In connection with conditions of work it must be mentioned that the Government of Mexico has ratified the ILO Convention on Hours of Work. Chapter III of the Act covering Conditions of Work, stipulates that for every six days worked there must be at least one fully paid rest day. If this day is worked, the worker shall receive an additional payment of at least 20 per cent of his basic wage. With regard to paid holidays and payment for public holidays, this chapter establishes the

right of workers to an annual period of paid holiday for a given period of employment; it also establishes the obligation of employers to pay their workers at double the basic rate for working on statutory public holidays.

Question No. 6

82. In order to help to reduce poverty and social deprivation the programme of workers' training grants provided training courses for small enterprises in garment manufacturing, handicrafts, confectionery, textiles manufacture, farm machinery maintenance, and fruit processing; and under the programme for industrial training of the workforce, as a means of protecting and promoting employment in deprived areas, groups of small enterprises and manufacturers of handicrafts and other goods were established and provided with the necessary advice for their consolidation. On the basis of the regional development programmes promoted by the Federal Government specific training and productivity activities were organized in the areas of greatest social deprivation in the States of Chiapas, Chihuahua, Guerrero, Puebla and Michoacán. In addition, in coordination with the national employers' association of businessmen volunteers, a programme was initiated for micro and small enterprises with a view to the establishment and operation of joint business ventures.

Article 8 of the Covenant - Right of association

Question No. 1

83. The questions concerning the rights of workers are answered without referring the Committee to the reports submitted under other conventions.

Question No. 2

84. Chapter VII of the Federal Labour Act regulates collective labour relations. The Act does not stipulate basic and formal conditions for the constitution of a trade union or employers' association although these requirements are referred to in traditional doctrine and by various authors, who conclude that the basic conditions are those which constitute the definition of a trade union or employers' association; article 365 of the Act states that all such associations must be set up by workers or employers for the study, improvement and protection of their respective interests. The formal requirements stipulated in the Act relate to the documents mentioned in articles 364 to 384.

Question No. 2 (a)

85. The special legal provisions regarding the establishment of trade unions or employers' associations are basically article 123, part A, section XIV, of the Constitution of Mexico; the Federal Labour Act, specifically Title Seven, chapters I and II, and the rules of procedure of the Ministry of Labour and Social Welfare which state: "It is the task of the Office for Registration of Associations to maintain the register of workers' and employers' associations, in accordance with federal law, and to record changes in governing bodies, in numbers of members, and in statutes."

86. In order to amplify the answer to this question, the Federal Conciliation and Arbitration Board has provided the following information:

(a) Article 356 of the Federal Labour Act stipulates that "a trade union or employers' association is an association of workers or employers established for the study, improvement and protection of their respective interests.";

(b) Article 357 states that workers and employers are entitled to establish unions and associations without need for prior authorization;

(c) Article 358 states that "no one may be compelled to join or prevented from joining a trade union. Any provision establishing a contractual condition in the event of separation from a trade union or which counteracts in any way the provision contained in the previous paragraph shall be considered void.";

(d) Article 359 states that "trade unions are entitled to draft their own statutes and regulations, freely elect their representatives, organize their administration and activities, and formulate their programmes of action.";

(e) It should be noted that the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) was ratified by Mexico, and that article 2 of the Convention is transcribed in article 359 of the Federal Labour Act;

(f) The types of workers' association are specified in article 360 of the Act:

> "Article 360 - Associations of workers may be:
>
> I. Trade associations, formed by workers of a single profession, occupation or craft;
>
> II. Company associations, formed by workers employed in a single company;
>
> III. Industrial associations, formed by workers employed in two or more companies in the same branch of industry;
>
> IV. National industrial associations, formed by workers employed in one or more companies in the same branch of industry established in two or more federal states;
>
> V. Associations of several occupations, formed by workers of different occupations. These associations may be established only when, in the municipality in question, the number of workers in a single occupation is fewer than 20."

87. It should be noted that "trade associations represent an initial stage in the trade union movement correlated with simple structures in the company or industry, but that with the development of the economy and industrial technology these structures have become larger and more complicated and now need something more than trade associations, for such associations fragment and reduce to some extent the strength of the grouping, even when the existing trade associations must be respected in legal terms".

Question No. 2 (b)

88. The Office for Registration of Associations of the Ministry of Labour and Social Welfare states that no restrictions are placed upon the exercise of the right to join and form trade unions by workers.

89. Furthermore, the Federal Conciliation and Arbitration Board comments that the provisions cited above establish the freedom of association and the right to form trade unions in general terms. However, jurisprudence has established criteria for preventing the formation of trade unions to the detriment of existing ones or if they do not meet the legal requirements for the establishment of trade associations; this does not impair the freedom of association but guarantees respect for it. For example, the theory is that a refusal to register a trade association when a general industrial association for the same occupation already exists and is already registered does no injury to the applicants: "This does not mean that such a conflict can occur only when the associations in question exist prior to the conclusion of the collective labour agreement." (Amparo en revisión 129/89. Report of the Supreme Court of Justice, 1982, Part Three, First Collegiate Labour Court of the First Circuit, p. 154.)

90. There do exist restrictions on joining trade unions resulting from special legal situations. For example, article 362 provides that workers aged over 14 years may join trade unions, which contrario sensu implies that younger workers may not do so. Another such restriction is contained in article 372 of the Act, which stipulates that workers aged under 16 years or foreigners may not be members of the governing body of a trade union.

91. Furthermore, article 363 states that "workers holding positions of trust may not join the trade unions of the other workers. The statutes of the trade unions shall determine the status and rights of their members who are promoted to positions of trust". This restriction is consistent with the provision contained in article 183 of the Act to the effect that workers holding positions of trust shall not be counted in the determination of a majority in the event of a strike, nor may they act as worker representatives in bodies established under the Act. The restriction is based on the fact that such workers act in the interest of the enterprise.

Question No. 2 (c)

92. In the view of the Office for Registration of Associations, this question is answered in earlier paragraphs: there is no restriction on the right of trade unions to federate.

93. The Federal Conciliation and Arbitration Board points out that article 381 establishes the right of trade unions to form federations and confederations, which shall be regulated by the laws applicable to trade unions. As for the number of unions required for the formation of a federation or confederation, the Act speaks only of "unions", so that it must be understood that a plurality of unions is sufficient, i.e. two or more unions in one state to form a federation, and several federal states to form a confederation. However, the Federal Labour Act contains no provisions concerning the right of trade unions to join international organizations, although this Act, as stated in its article 1, "is of general application throughout the Republic and regulates the labour relations referred to in article 123, part A, of the Constitution".

94. On the other hand, article 123, part A, section XVI, of the Constitution states that "both workers and employers shall be entitled to form associations for the protection of their respective interests by establishing trade unions, professional associations, etc."; and the regulations contained in the Federal Labour Act fall within the framework of this provision of the Constitution.

95. The foregoing argument does not mean that trade union groupings, such as the Confederation of Workers of Mexico (CTM), may not join the International Confederation of Free Trade Unions (ICFTU).

Question No. 2 (d)

96. The Federal Labour Act does not place any conditions or limitations upon the right of trade unions to function freely. And the requirements for the establishment of a trade union cannot be regarded as such restrictions: article 364 stipulates that a trade union or employers' association may be established with at least 20 workers currently employed or with three employers. Article 365 states that:

> "Trade unions and employers' associations shall be registered with the Ministry of Labour and Social Welfare in cases falling within federal competence, and with the conciliation and arbitration boards in cases falling within local competence; to this effect the following documents shall be submitted in duplicate:
>
> I. A certified copy of the record of the constitutive assembly;
>
> II. A list containing the number, names and addresses of the members and the names and addresses of the employers, enterprises or establishments in which the work is performed;
>
> III. A certified copy of the statutes; and
>
> IV. A certified copy of the record of the assembly at which the governing body is elected. The documents referred to in the previous paragraphs shall be certified by the secretary-general or the secretary for organization and records, unless the statutes provide otherwise."

97. A trade union or employers' association is accepted for registration if it satisfies the regulations concerning proof of its legal personality, in the same way that companies must prove their legal personality by means of a notarized act of constitution. Article 366 specifies the cases in which registration is refused:

> "Registration may be refused only:
>
> I. If the trade union or employers' association was not established for the purpose envisaged in article 356;
>
> II. If it was not established with the number of members specified in article 364;
>
> III. If the documents referred to in the previous article are not presented.
>
> Once the registration requirements have been met, none of the relevant authorities may refuse registration.
>
> If the authority to which the application for registration is made does not take a decision within 60 days, the applicants may request it to give a decision, and if it does not do so within three days from the submission of the request, the registration shall be assumed to have been made for all legal purposes, and the authority shall be obliged to issue the relevant certificate within three days."

98. The Federal Labour Act contains an explicit guarantee of the independence of trade unions and employers' associations when it states in article 369 that registration may be cancelled only in cases of dissolution or failure to fulfill the legal requirements, and that the Conciliation and Arbitration Board shall decide on the cancellation of the registration. Article 370 provides that trade unions and employers' associations shall not be subject to dissolution, suspension or cancellation of their registration by administrative act. It should be added that the registration procedure is subject to constitutional control through the judicial procedure for protection of individual rights (juicio de amparo), and it is the court of jurisdiction which rules on the correctness of decisions concerning registration.

Question No. 2 (e)

99. According to the records of the Office for Registration of Associations of the Ministry of Labour and Social Welfare, there are 5,269 registered trade unions.

Question No. 3

100. The right to strike of workers is recognized in article 123, section XVII, of the Constitution and in the Federal Labour Act giving effect to article 123. Article 440 of the Act defines a strike as "the temporary withdrawal of labour by a coalition of workers". And article 441 states that for the purposes of a strike trade unions are permanent coalitions; this means that a strike which was originally carried out by a temporary coalition or grouping of workers is actually carried out by the trade unions as permanent associations of workers.

101. It is worth mentioning in this connection the comment of the Ministry of Labour and Social Welfare to the effect that the right to strike is envisaged in statutory agreements, as provided for in Title Eight, headed "Strikes", in its chapters I and II concerning general provisions, and that strike purposes and procedures are dealt with in Title Fourteen, entitled "Procedural labour law", chapter XX, which refers to strike procedures in articles 920 to 938.

Questions Nos. 3 (a) and (b)

102. Article 123, section XVIII, of the Constitution states:

> "Strikes shall be legal when their purpose is to secure a balance between the various factors of production by harmonizing the rights of labour with those of capital. In the public services it shall be mandatory for workers to give 10 days' notice to the Conciliation and Arbitration Board of the date set for the withdrawal of labour. Strikes shall be regarded as illegal only when a majority of the strikers commits acts of violence against persons or property or, in time of war, when they belong to government establishments or services".

103. It follows from this provision of the Constitution that the legality of a strike depends on whether its purpose is to secure a balance between the factors of production, i.e. an economic and labour purpose, with the intention of improving the conditions of work of the workers in a given enterprise or enterprises, but while safeguarding the source of work. On the other hand, strikes are regarded as illegal when a majority of the strikers commits acts of violence against persons or property, acts which injure the source of work.

104. There are no restrictions on the exercise of the right to strike in Mexican legislation, but there are procedural regulations; these relate to the requirements of the purpose, which must be specified in the statement of claims submitted to the employer, the period of notice for the withdrawal of labour, and the required majority of workers; it should be noted that employees holding positions of trust may not be counted in this majority, in accordance with the provision of article 931, section IV, of the Federal Labour Act, since they act in the interest of the enterprise.

Question No. 4

105. The matter raised in this question is the responsibility of the Ministry of Labour and Social Welfare; accordingly, the Federal Conciliation and Arbitration Board states that in the Federal Labour Act the right to strike is invested in the workers, i.e. "the physical persons who perform for another physical or juridical person a subordinate personal service" (article 8). And the labour relation is established with an employer: "the physical or juridical person who uses the services of one or more workers" (art. 10). Therefore, the right to strike is exercised by a coalition of workers associated in a trade union in order to obtain better conditions of work from their employer.

106. The Federal Act governing State Workers gives effect to article 123, part B, of the Constitution. According to article 67 of this Act, each State agency shall have only one trade union; and if several groups of workers claiming this right are in competition, the Federal Conciliation and Arbitration Board shall recognize the largest group. Article 94 of this Act states:

> "Workers may exercise the right to strike against one or more State agencies when the rights embodied in article 123, part B, of the Constitution are violated in a general and systematic manner."

Article 96 states:

> "A strike shall be limited to the mere act of withdrawal of labour."

Question No. 5

107. This report is not offering a short review of changes affecting the right of association. In this connection, the Federal Conciliation and Arbitration Board notes that the Federal Labour Act, which has undergone procedural amendment by a decree published in the *Diario Oficial* of 4 January 1980, includes a regulation on the strike procedure stipulated in articles 920 to 937 which is consistent with the principles set out above.

Article 9 of the Covenant - Right to social security

Question No. 1

108. The questions concerning the right to social security, including social insurance, are answered without referring the Committee to other reports submitted.

Question No. 2

Medical care

109. The National Health System, which combines the efforts of private medicine with government action and active and organized community participation, has had a considerable impact on the major health problems and areas of weakness in medical care.

Cash sickness benefits

110. Title Nine of the Federal Labour Act deals with occupational hazards, including accidents and diseases to which workers are exposed by reason of their work. This Title also specifies the cash sickness benefits. Workers who suffer an occupational accident or contract an occupational disease shall be entitled to:

(a) Medical care and surgery;
(b) Rehabilitation;
(c) Hospitalization when necessary;
(d) Medicines and equipment for their treatment;
(e) Any necessary prosthetic or orthopaedic devices; and
(f) The compensation specified in Title Nine.

Maternity benefits

111. Title Five of the Federal Labour Act, concerning women's work, deals with maternity benefits in its article 170:

> "I. During pregnancy women shall not perform work requiring considerable effort; they shall be given leave of six weeks before and six weeks after delivery; the periods of leave shall be extended if a woman is unable to work as a result of her pregnancy or the delivery; during the period of breast-feeding women shall have two half-hour rest periods a day in order to feed their children in a suitable and clean place designated by the enterprise; during the periods of leave referred to above they shall receive full wages, and if the periods are extended they shall be entitled to 50 per cent of their wages for a period not exceeding 60 days; when they return to work, provided that not more than one year has elapsed since the delivery, the prenatal and postnatal periods shall be added to their length of service. Nursery services shall be provided by IMSS in accordance with its laws and regulations."

Old-age benefits

112. These benefits are insured with the contributions made by employers to such schemes as the pension fund and personal medical service for retirees. A new benefit is provided by the retirement savings system, established in 1992, which requires employers to contribute two per cent a month to a savings account for their workers' retirement.

Invalidity benefits

113. Articles 491 to 499 of the Federal Labour Act deal with the different kinds of invalidity and the corresponding benefits; it provides a list of assessments of permanent incapacities which includes 409 instances of incapacity. The Ministry of Labour and Social Welfare carries out the necessary research and studies for adjustment of the permanent incapacity tables.

Survivors' benefits

114. Articles 500 to 503 of the Act deal with cases when an occupational hazard results in the death of the worker, with a view to compensating his relatives.

Employment injury benefits

115. Articles 474 to 514 of the Act classify the organic injuries, functional disorders, diseases or sudden death occasioned at work or by reason of work, regardless of the place or time of the occurrence. Articles 483 to 501 deal with benefits and compensation for invalidity or death.

Unemployment benefits

116. Unemployment benefit or insurance is one right not enjoyed by Mexicans.

Family benefits

117. These benefits are the same as those received by the survivors of a worker who dies or is incapacitated as a result of an occupational accident, and the legislation is described in the paragraphs concerning invalidity and survivors' benefits.

Question No. 3

118. The care of the worker is the basis of social security in Mexico, and the benefits derive from the right to work. This can be seen from the fact that during 1981 the level of employment rose at an average annual rate of 11.8 per cent measured by the number of permanent insured workers in the Mexican Social Security Institute, which furnishes medical benefits to all Mexican workers in the private sector or workers who wish to take out their own insurance. For 1989, the increase in employment was 11.3 per cent and for the first half of 1990 7.2 per cent a year.

119. In Mexico the benefits are directly related to the category of work. In the census employment was broken down into six categories: white-collar and blue-collar workers, labourers, self-employed workers, employers or businessmen, unpaid family workers, and miscellaneous workers. This classification includes the workers in all sectors of the country, so that the applicability and range of the benefits are linked to the employment rate and its changes over time, for workers may be either permanent or temporary.

120. According to the 1980 census, the employed population totalled 23,403,413, most of whom received various benefits funded by taxes. The following benefits are available to Mexican workers and their families:

Preventive medicine.
Sickness and maternity insurance.
Physical and mental rehabilitation service.
Occupational accident insurance.
Retirement insurance.
Retirement insurance by age and length of service.
Invalidity insurance.
Life insurance.
Insurance against unemployment at advanced age.
Global cover.
Child welfare and development services.
Integrated services for retirees and pensioners.
Savings fund (contributions to this fund are deducted from workers'wages).
Assistance with transport and rent.
Assistance with food and/or restaurant meals and/or petrol.
Major items medical insurance (this benefit is available to workers in the private sector who also receive free medical care from the public sector).
Motor cars for senior personnel.

Meals (in some private enterprises and in public sector agencies).
Collective transport (in large enterprises).

In addition to the foregoing benefits, State workers also have access to the following ones:

Sale of low-cost housing.
Mortgages.
Medium-term loans.
Short-term loans.
Services for improvement of the quality of life.
Tourism services.
Cultural, technical-training, sports and recreation facilities.
Salary increments for each year of service (for the teaching profession).
Funeral facilities.

Question No. 4

121. The sectoral structure of the public expenditure authorized for 1991 demonstrates the increasing importance attached to appropriations for social development. This heading showed an increase of 15.7 per cent over the previous budget year, while the budget as a whole decreased in real terms by five per cent for the same period. Within appropriations for social development, spending on education rose in 1991 by 37.4 per cent over 1990; and expenditure on welfare programmes showed an increase of 37 per cent and on urban development and drinking water an increase of 93 per cent. The fact that all these increases were in real terms demonstrates the growing importance of social expenditure within the sectoral distribution of the budget.

Question No. 5

122. The 1986 Act governing the National Social Assistance Scheme regulates functions and standards in the operations of the various agencies in the programme of social assistance activities and actions. There are various public schemes with informal private arrangements: there are public assistance programmes for old people who do not have the support of a family, single women with few resources, children of working mothers, street children and children in the street, and adolescents at risk or with drug-dependency problems who receive donations from private institutions.

123. However, the Solidarity Programme (PRONASOL) is the most important in this area; its objective is to tackle head-on the social deprivation stemming from extreme poverty. The specific projects of private groups in society, provided they are organized, receive government support in the implementation of their programmes in various sectors. PRONASOL provides funding and technical advice for the preparation of programmes, and the organized groups collaborate in the project and with the workforce.

124. The following assistance projects were carried out in 1989: feeder roads and rural roads; construction, repair and extension of schools and premises for health and social security services; urban development; transmission and distribution lines; drainage and sewage treatment; development of irrigation areas; and policy and administration. PRONASOL had a total of 23,584 programmes.

Question No. 6

125. The following groups have access to social security at a lower level than the majority of the population: the unemployed, who totalled 659,870 according to the 1990 census; the rural and indigenous population living in areas of difficult access; and groups of workers in the informal economy.

Question No. 6 (a)

126. The health, welfare and social security section of the National Development Plan 1989-1994 continues to promote the protection of all Mexicans by providing timely, effective, fair and humanitarian benefits which really do help to improve social welfare, with the communities themselves and the three levels of government providing an effective means for ensuring the necessary resources. The general strategies for activities in the sector are to improve the quality of the service, reduce social inequalities, modernize the health system, and decentralize and consolidate the coordination of the health services.

Question No. 6 (b)

127. As part of the effort to guarantee the population universal access to the health, welfare and social security services, priority has been given to primary medical care, mainly in poor urban and rural areas, and to mothers and children. In 1991 the National Health System achieved a cover of 95 per cent of the total population. The calendar and bench-marks for measuring the achievements are set out in the National Development Plan and in the strategies for the sector, which measures progress by means of the Plan's annual implementacion report.

Question No. 6 (c)

128. The social welfare policy with respect to medical care and improved diet, promotion of family and community development, protection and assistance for vulnerable groups, and assistance for the disabled was designed to enhance the social welfare of persons who do not have access to the social security system. At the end of 1991 the number of persons who had benefitted from some social welfare service totalled 8.6 million, 1.8 per cent more than in 1990.

129. Over the past 10 years the Government of Mexico has made a considerable and continuous effort to assist Mexicans living in poor rural areas by means of various programmes, including primarily the IMSS Solidarity Programme. There are almost 4,000 units in the total welfare infrastructure to cater for 13.5 million people in 28,519 localities; owing to problems of dispersal and poor communications and access, the cover is insufficient; according to the IMSS Solidarity Programme, it reaches 53.7 per cent of the rural population, which demonstrates the magnitude of the effort made. In the indigenous areas, which are the most inaccessible, the proportion of the population receiving assistance falls sharply. In some indigenous regions more than 80 per cent of births are attended by traditional midwives.

130. The numbers of doctors or paramedics working in public health establishments is insufficient, and in some indigenous areas about a third of the total number of units do not have their own doctor. The number of university graduates is more than sufficient to fill these vacancies, but they are very difficult to recruit owing to the lack of incentives for working in poor areas and to their training, which does not equip them properly to work in rural areas and makes such work less attractive. The quality of care is inadequate; this has recently been demonstrated, especially in the indigenous areas, by the re-emergence of eradicated or controlled diseases.

131. Malnutrition is found in the indigenous areas and accentuates the incidence of disease. According to data of the IMSS Solidarity Programme, identified cases of malnutrition among children aged under four in the areas with the highest concentrations of indigenous population in the country range from 29 per cent in San Luis Potosí and Quintana Roo to 53 per cent in Oaxaca, and these figures would tend to increase if only the indigenous population was assessed. Generally speaking, the indigenous population does not have access to the benefits of the nutrition assistance programmes. There is no intrinsic factor in the traditional diet of the indigenous peoples to explain the high levels of malnutrition, and they must therefore be attributed to problems stemming from the economic situation aggravated by inadequate supplies and very high prices. The need to give attention to the nutritional problems of the indigenous population, which were probably aggravated by the crisis of the 1980s, is acquiring priority and urgency. This was one of the original and fundamental commitments undertaken by the Mexican Revolution.

132. The majority of the indigenous population in rural areas lacks drinking water and drainage systems in their homes. A recent survey in 106 municipalities in the States of Chiapas, Nayarit, Sonora and Yucatán revealed that only 382 of the 945 settlements surveyed had a piped water system. Most of the existing systems, which do not supply domestic networks, need to be extended (70 per cent) or rebuilt (20 per cent); they function only intermittently in 64 per cent of cases. It is estimated that more than 90 per cent of the indigenous population in rural municipalities lacks a sewage system. The lack of sanitation services, which is due in part to the technical options favoured by the institutions, is reflected in the health of the indigenous population.

133. In general terms, although the considerable effort made by the IMSS Solidarity Programme to involve the population must be acknowledged, not only are the institutional health services insufficient, they also act inappropriately by offering external technical solutions when the resources and needs are local. Today we know that services selected and managed from outside do not have and cannot acquire the capacity to cater for the whole population or all their needs, so that it is necessary to find effective mechanisms by engaging the participation of the people in the health and welfare programmes. The primary health care programmes using trained local staff and equipped with high-quality specialized services offer one alternative. The training of traditional midwives has already proved its viability and effectiveness. However, the training programmes have not been extended to other areas of traditional medicine. There is a vigorous movement to regularize traditional methods and incorporate them harmoniously in the institutional health services. The conditions exist for strengthening, expanding and adapting the great effort being made by the Government of the Republic to offer effective health services in poor areas.

134. As for the measures which may be envisaged to enable the various socio-economic and ethnic groups to enjoy social security, this will only be possible in the Social Security and Services Institute for State Workers (ISSSTE) if the person concerned has the status of State worker.

Article 10 of the Covenant - Protection of the family, mothers and children

Question No. 1

135. The Government of Mexico will answer the Committee's questions without reference to other reports.

Question No. 2

136. The family is a nucleus of persons which has emerged as a social group from nature and stems from the biological fact of procreation. This means that it consists of the progenitors and their offspring: father, mother, children and grandchildren; outside this group the bonds of the extended family no longer subsist with the same intensity.

Question No. 3

137. According to the Civil Code for the Federal District in general matters and for the whole Republic in federal matters, the age of majority in Mexico is 18 years.

Question No. 4 (a)

138. The Act governing the National Social Assistance Scheme establishes the rights and guarantees of the family, as well as establishing and regulating the basis for coordinating federal bodies and the social and private sectors in the activities carried on for the benefit of the family. It provides a legal foundation for the activities of the National System for the Integrated Development of the Family, the objectives of which are to promote social welfare, provide services in this field, and encourage the systematic coordination of the activities carried out by the relevant public institutions.

Question No. 4 (b)

139. According to article 4 of the Constitution of the United Mexican States:

> "Men and women are equal before the law. The law shall protect the organization and development of the family.
>
> Everyone shall be entitled to decide the number and spacing of his or her children in a free, responsible and informed manner".

In addition, this article guarantees the family the right to protection of their health and to decent and suitable housing. The law shall establish the instruments and supports necessary for the attainment of this objective. The Government of Mexico has set itself the task of combating extreme poverty in marginal urban and rural areas and it is focusing on the population in general and not on families.

Question No. 4 (c)

140. No comment.

Question No. 5 (a) (i)

141. One of the main strategies of the Plan of Action is to promote and develop intersectoral policies which encourage and facilitate provision of integrated assistance. In primary health care this will include efficient professional services and the promotion of women's health, with emphasis on specific areas which need to be strengthened:

(a) Access for all pregnant women to prenatal care by ensuring 80 per cent cover by 1994 and 90 per cent by 2000 and achieving an average of at least four prenatal checks by 1994 and five by 2000;

(b) Achievement of 80 per cent cover for childbirth attended by trained personnel by 1994 and 100 per cent by 2000;

(c) Achievement of 50 per cent cover of the period following confinement by 1994 and 80 per cent by 2000;

(d) Guaranteed access to advisory services for 80 per cent of cases of high-risk pregnancy and emergency obstetrical cases by 1994 and 100 per cent by 2000;

(e) Combined medical facilities and accommodation in 100 per cent of childbirth units;

(f) Training of 100 per cent of traditional midwives by 2000;

(g) An effort to ensure that by 1994 100 per cent of hospitals in categories II and III take the necessary steps to convert themselves into "mother and child friendly hospitals".

Question No. 5 (a) (ii)

142. During pregnancy women do not perform work requiring considerable effort or representing a danger to their health during the gestation period; it is mandatory for them to be given leave for six weeks before the anticipated date of delivery and for six weeks afterwards.

Question No. 5 (a) (iii)

143. During maternity leave women must be paid their full wages and retain their jobs and the entitlements acquired through their work; during the period of breast-feeding they shall have two special half-hour rest periods a day for feeding their children.

Question No. 6 (a)

144. Article 22 of the Federal Labour Act prohibits the use of the labour of children aged under 14 years and of children aged over 14 but under 16 who have not completed their compulsory education; articles 23, 25, 29 and 173-180 of the Act regulate the conditions for the hiring of child labour.

Questions Nos. 6 (b) and (c)

145. Total employed population aged 12-19

Age	Total population	Employed	%
12-14 years	6,302,971	418,575	6.5
15-19 years	9,664,403	2,943,011	30.5

Source: General population and housing census, 1990.
Note: This table does not specify whether the population is in paid employment or works at home or at family farms or businesses.

Question No. 6 (d)

146. The Act governing the National Social Assistance Scheme and other legislation seek to guarantee and provide the assistance required by unprotected children and young people and physically or mentally disabled minors through the implementation of programmes and operation of social assistance centres such as the casas cuna and casas hogar run by public and private institutions.

Question No. 6 (e)

147. The National System for the Integrated Development of the Family carries out activities designed to keep the community informed both of its rights and of its obligations with specific reference to family law. Furthermore, children and young people are cared for when they are unprotected and are therefore eligible for social assistance.

Question No. 6 (f)

148. The social research work carried out by the National System and the analysis of the reports which it receives have revealed that minors living in the Federal District and its conurbation do have social problems such as drug addiction, physical abuse or abandonment, or criminality; as a result of the population increase these social problems have grown more acute and the National System in coordination with other public and private institutions is combating them by means of social rehabilitation and psychological treatment as well as preventive guidance.

Article 11 of the Covenant - Right to an adequate standard of living

Question No. 1 (a)

149. In addition to other indicators such as housing, education and health, the incomes of the employed population also reflect the standard of living. For example, in 1990 7.2 per cent of this population stated that it had received no income, while 56 per cent declared incomes equivalent to two minimum wages or less. Twenty-four per cent of employed persons were found in a middle range with incomes of between two and five minimum wages. At the other extreme 7.6 per cent declared incomes in excess of five minimum wages. In terms of employment category, persons working on their own account (rural and urban) had the smallest incomes.

150. A large part of the population living in extreme poverty was found in the rural sector: 80 per cent of persons employed in farming came from poor households, and half of them lived in conditions of extreme poverty.

151. Among the indigenous population in rural areas migrant workers (cane-cutters, coffee-pickers, etc.), small farmers in temperate zones and the inhabitants of desert zones provided the groups living in the worst conditions. And within these groups the women and children were the worst affected.

152. Workers in the construction industry, commerce and services provided most of the population living in conditions of poverty and extreme poverty in urban areas. The share of extremely poor households in the cash income generated by the economy was extremely small - about 4 per cent.

153. The following table shows the standard of living of Mexicans in recent decades:

	1960	1970	1977	1981	1990
	(millions of persons)				
Total population	36.0	50.7	63.3	71.4	81.2
Population groups:					
Extreme poverty	20.4	19.9	18.8	13.7	17.3
Poverty	7.1	11.3	15.5	18.4	24.0
Total	27.5	31.2	34.3	32.1	41.3
Middle range	4.1	14.1	21.9	31.3	30.8
High range	4.4	5.4	7.1	8.0	9.1

Source: Advisory Council of the IMSS Solidarity Programme

Question No. 1 (b)

154. The questions are answered without referring the Committee to other reports.

Question No. 1 (c)

155. With regard to the determination of the "poverty line" the National Statistics, Geography and Information Technology Institute is carrying out research in this area which will be made available to the Committee when it is concluded.

Question No. 2 (a) - the right to adequate food

156. The food supply is characterized by the interdependence, heterogeneity, dynamics and multisectoral nature of its constituent phases and it shows a close relationship to Mexico's macroeconomic, socio-cultural and geographical variables; unevenness is apparent in the production and distribution of foodstuffs and access thereto.

157. The development of farm output is polarized around the competition between high-technology units concentrating on production for export. In the 1980s the dynamics of a population growth rate in excess of the output of basic grains compelled recourse to the international market in order to ensure sufficiency and guarantee the national supply. The policy of agrarian modernization pursued since 1989 has brought about a recovery in the output of basic grains, with an increase of 6.2 per cent in that year and an unprecedented growth of 22.4 per cent in 1991. These results meant self-sufficiency in maize and beans, and self-sufficiency is also being sought in rice and wheat. Fisheries are playing an increasingly important part in food production. In the last 10 years the average annual growth rate was 4.8 per cent, which was higher than the population growth rate.

158. The steps taken during 1991 by the agencies and institutions involved in the various stages of the food supply helped to improve their linkages and the coordination of their efforts to increase primary output, encourage food processing, modernize supply and distribution systems, and improve the people's nutritional standards. Supports were strengthened in the stage of primary production in order to guarantee a sufficient supply of foodstuffs. The development of intensive production units was encouraged in temperate areas producing rice, beans, maize and wheat, and fisheries were encouraged through the provision of integrated services such as technical assistance, permanent programmes of hygiene, credit and insurance, the use of inputs and organization of producers.

159. In recent years a series of surveys and case studies has been carried out in order to provide an updated picture of the population's state of nutrition. The main source of information and studies on the nutritional situation is the National Food Commission, which made an analysis of Mexico's food and nutrition situation, published in February 1992, the results of which are included in the answers under this article (see para. 197).

Question No. 2 (b) (i)

160. Monitoring studies of food spending by the poor population made by the National Consumer Institute in the metropolitan area of Mexico City between 1985 and 1988 concluded that variations in the level of average household income, together with the inflexibility of other items of expenditure, led to a general reduction in such spending; and the amount was determined primarily by the absolute volume of resources which each segment of the sample allocated to the purchase of food.

161. It is important to emphasize that, although spending on food declined throughout the period of the study, households managed to ensure that the amount of food coming in did not fall in the same proportion as spending by modifying their spending structure and eating habits, tending not to buy expensive food and substituting cheaper items. Accordingly, there was a general downward trend in the purchase of such foods as meat, fish and shellfish, eggs and vegetables, and an increase in purchases of cheaper cuts of meat and offal and trimmings, milk, maize tortillas, white bread, pasta, beans, chicken pieces and seasonal fruits.

162. Viewed by geographical region, the magnitude of the problem of malnutrition can vary considerably from the national average. The results of the national nutrition survey show that overall malnutrition among children under five, as measured by the weight-for-height and height-for-age indexes (Waterlow scale) in the southern and central regions is higher than the national average, while in the northern regions and in Mexico City it is below the average.

163. According to the 1989 statistics of the Ministry of Health for Mexico City and its conurbation, 17 per cent of cases were classified as malnutrition. For that same year the Salvador Zubirán National Nutrition Institute reported that more than 41.5 per cent of the rural child population studied suffered from some form of malnutrition. This means that malnutrition is 131.8 per cent higher in rural than in urban areas. The results of the 1988 national nutrition survey carried out by the Ministry of Health indicate that, according to the Waterlow scale used in a probability survey of children under five, the overall incidence of malnutrition was 29.2 per cent. With regard to the categories of malnutrition used in this scale, the proportion with low weight but normal height, regarded as suffering from acute malnutrition, was 15.1 per cent of the sample; the proportion with normal weight but below-normal height, classified as children who have recovered from malnutrition, was 11.8 per cent; and those below normal in both weight and height, suffering from acute chronic malnutrition, accounted for 2.3 per cent. Furthermore, by using the "Z" criterion in the weight-for-age index the 1988 national nutrition survey determined that 2.2 per cent of children under five suffered from obesity and 7.2 per cent were overweight.

164. The national food survey in rural areas, covering the vulnerable groups referred to in this question, was carried out in 1989 with the coordinated participation of the National Food Council, the Salvador Zubirán National Nutrition Institute, the Ministry of Health, the National Institute for Indigenous Peoples, the IMSS Solidarity Programme, the National Food Supply Council, and the United Nations Children's Fund. According to the results, the state of nutrition of the population aged from one to four years, as measured on the mid-upper-arm circumference/height-age index, showed that 50.9 per cent suffered from malnutrition. Broken down by the categories of this index, 11.3 per cent were classified as suffering from acute malnutrition, 15.1 per cent severe malnutrition, and 24.5 per cent recovered from malnutrition.

165. The incidence of low birth-weight (under than 2.5 kilogrammes), due mainly to the mothers' nutritional state, was estimated at 6.5 per cent in 1991, according to data from the National Action Programme submitted by Mexico to the World Summit for Children, and low birth-weight was 2.2 times more common in the southern and south-eastern states than in those of the north. The results showed a high incidence of micronutrients deficit, which is associated with deficiency diseases. In fact, 60 per cent of the population studied showed a consumption of less than half the international recommended amount of vitamin C, 75 per cent in the case of retinol, 1 per cent for ciamin, 65 per cent for niacin, 3 per cent for iron and calcium, and 6 per cent for proteins.

Question No. 2 (b) (ii)

166. The consumption of traditional basic foods rich in natural fibre has declined, while processed foods with a high sugar and saturated-fat content and animal products are consumed to excess. Data produced by the 1984 national household income-expenditure survey carried out by the National Statistics, Geography and Information Technology Institute show that the two upper income levels had an average daily per capita consumption in excess of the international recommendations. The result of this situation is that the incidence of malnutrition-related diseases such as cardiovascular disease is increasing and producing an alarming rate of premature death among men and women under 65. On the bodyweight scale it was estimated that 10.2 per cent of the non-pregnant female population aged 12 to 49 was overweight and that 14.6 per cent suffered from obesity.

167. A geographical breakdown of the malnutrition and obesity rates among the non-pregnant female population aged 12 to 49 shows that, while the central and southern regions have malnutrition rates above the national average, the northern regions and Mexico City have obesity rates above the national average.

Question No. 2 (b) (iii)

168. Between August 1988 and February 1991 the trend of the previous period went into reverse: in general terms spending on food increased for all population groups. The most representative increases were found in the lower informal segments (18.9 per cent) and the middle informal (16.4 per cent), while the formal-sector segments showed a moderate increase: 7.7 per cent for the lower, 9.5 per cent for the lower middle, and 3 per cent for the middle.

169. In the period 1988-1991 spending on food as a proportion of household income stood at a high level of about or above 40 per cent. The National Food Programme 1990-1994 and a number of studies made by international bodies show that the most sensitive element in food security is the people's access to foodstuffs. Therefore, Mexico has argued in the specialized forums of the United Nations system that "food security cannot be achieved without an integrated and integrating approach which gives equal attention both to the objectives of food sufficiency and supply and to the creation of the conditions which guarantee real access to food supplies by vulnerable groups and the most deprived sectors of the population".

170. The policy of selective subsidies was continued in 1991 in order to ensure that the assistance provided by the Federal Government benefited the poorer members of the population. The cover of the population in need was expanded by

means of the tortilla subsidy programme which distributed a daily free ration of one kilogramme of tortilla to 2.1 million families, 150 per cent more than in 1990, 34 per cent of them living in the metropolitan area of Mexico City. In addition, the social milk-supply programme run by the Conasupo milk corporation (LICONSA) assisted some 2.9 million families through 5,700 dairies located in 1,269 municipalities, thus helping to improve the nutrition of 6.3 million children and more than 115,000 adults.

171. In order to help to make good the peoples' food shortages, 122,818,000 school meals were provided in 1991, together with 64,940 tons of nixtamilized maize and beans and 716,600 packets of seeds for family smallholdings; these amounts were respectively 6.6, 12.1 and 291.8 per cent higher than in 1990. In addition, the establishment of small fish and poultry farms was encouraged as a means of enriching the diet of indigenous and rural communities. The health sector provided 46.6 million rations of food to more than 115,000 families in rural areas and initiated its agriculture and health programme in 620 rural locations, supplying 24.7 million rations of food to more than 41,000 families. The nutritional condition of children under five and pregnant women was also assessed (although the results are still not available) and, in collaboration with various institutions, 69,000 training sessions in nutritional guidance were held.

172. Despite all this, there has apparently been no let-up in the flows of indigenous migrants to the big towns, where they have access to subsidies unavailable in their places of origin, especially food and transport subsidies, and to an array of opportunities which do not exist in rural townships.

Question No. 2 (c)

173. No measures negatively affecting access to food have been adopted.

Question No. 2 (d)

174. The agencies of the federal public administration and the governments of the federal states are responsible for implementing the national food programme within their jurisdictions. In this context, the activities currently being carried out include development programmes for food assistance, subsidies and supply and for guidance with inventories. The operation of these programmes is being strengthened in response to the need for seasonal food assistance for the lower-income groups affected by the implementation of the economic adjustment programme. It has therefore been necessary, within a framework of limited resources, to reassess the untargeted subsidy and assistance schemes and introduce methods to ensure that they are targeted, transparent and selective and to expand their cover and impact for the benefit of those who need them most.

175. The food assistance development programmes include programmes on nutrition and health, social solidarity through community cooperation, an integrated project for regional nutritional care in the State of San Luis Potosí, food rations and public kitchens and integrated services units. Implementation of the nutrition and health programme is the responsibility of the Ministry of Health. The purpose is to help to promote and safeguard the health of mothers and children by means of activities designed to improve their nutrition.

176. The nutrition monitoring programme in 1990 covered the country's 32 federal states. It achieved the following main results in 1990: 431,000 children under five were brought into the programme; 180,000 food guidance sessions were held for the benefit of 569,000 mothers of families; 75,000 packets of seeds were distributed for family smallholdings; 15.9 million food rations were provided for 159,000 children in 106,000 families; and 3,096 marginalized rural communities were provided with integrated basic health services.

177. The social solidarity programme for community cooperation run by IMSS operates in the marginalized rural areas of 17 federal states, assisting farmers operating below subsistence levels and 56 ethnic groups. In 1990 it

improved the nutritional state of 1.1 million children under five and trained 427,000 women of child-bearing age in food production, preparation and consumption, and 45,000 children suffering from malnutrition were restored to health. In addition, 155,000 family smallholdings were established, together with 172,000 farms for raising small animals.

178. The Salvador Zubirán National Nutrition Institute is implementing the San Luis Potosí regional nutritional care programme in 140 communities on the Gulf of Mexico and in the central area of the state, where there is a high incidence of malnutrition among school children. The activities include periodic treatment for parasites, administration of iron and large doses of vitamin A, food supplements, monitoring of growth, hygiene and nutrition education, and community organization for food security. One of the goals is to improve the diet of young children, and this was achieved in 1990 when these activities succeeded in reducing the malnutrition rate among children under five from 73 to 27 per cent.

179. The rations programme operated by the National System for Integrated Development of the Family is designed to provide on a temporary basis a food supplement containing 30 per cent of the recommended amounts of proteins and calories in the daily diet of children from poor families of preschool and school age, and to provide a food supplement for old people and the disabled in order to improve their standard of nutrition.

180. The National System for Integrated Development of the Family is also carrying out the public kitchens programme and operating the integrated services units, the objective of which is to establish a network of public kitchens to facilitate the collective purchase and joint preparation of food in order to reduce household costs and increase nutritional standards, as well as freeing women from domestic work so that they can take part in income-generating projects and social development activities.

181. The food subsidy programmes provide subsidized tortilla and milk distributed by the National Food Assistance Corporation and by LICONSA respectively. The tortilla subsidy programme has high priority since tortilla is regarded as a vital element in the regular diet of most of the population and is a prominent item in the nation's food culture. The objective is to provide selective subsidies for tortilla consumption under conditions of transparency and rationality, and one kilogramme a day is allocated free of charge to families with incomes up to two minimum wages living in urban areas. The programme operates in the 31 federal states and the Federal District. In 1990 it covered 71 towns and 1.8 million families on a national list of recipients.

182. The national milk supply programme, like the tortilla programme, furnishes targeted subsidies in order to make available to the people a vital element in their diet, in particular for the feeding and nutrition of young children. The aim is to distribute low-cost milk in extremely poor communities in order to help to improve the nutrition of children under 12 and to pregnant and nursing mothers in families with incomes of two minimum wages or less. Liquid milk is distributed throughout the country, and powdered milk in 29 rural states. In 1990 2.1 million families and 4.7 million children shared in an average daily provision of 3.4 million litres.

183. Another important food supply programme is the community supply programme run by the CONASUPO commercial distributor. It is based on a strategy of shared responsibility with the communities in the attainment of the objective of keeping the market reliably and regularly supplied with basic foods, mainly maize, beans, sugar and rice, for the marginalized groups in both rural and urban areas, and in sufficient amounts, at the right season and at the lowest possible prices.

184. Furthermore, for the period 1988-1994, the period of office of the present federal administration, the Ministry of Health acting through the Department of Mother and Child Care, is establishing a nutrition and health programme with five areas of action. The aim is to expand the programme in a context of primary health care focused on risk groups, integration of nutrition activities

with other priority medical care programmes, and public health and social assistance, and to intensify coordination work in order to combine forces with other institutions in the public, social and private sectors.

185. The central strategy is to bring into operation the national food security system (SINSA) and the food and nutrition monitoring system (SISVAN). SINSA, as part of its collaboration with the state governments, has begun to establish state food security systems, which will set up and operate regional and state production-consumption networks to help to identify the factors of trade and elements of complementarity among the various production areas and regions in the light of their own potential and requirements, with a view to ensuring food sufficiency and improving its supply on the basis of geographical area and socio-economic group and thus to improve food welfare. SISVAN, in turn, promotes coordination among the systems which generate statistical information about food as part of a multisectoral coordination plan. The aim is to integrate food indicators on a global basis and establish interrelationships between the situations and trends in primary production, processing, distribution, marketing and consumption. It will thus be possible to determine the nutritional state of the population by stratum, group and region. To this end the plan is to establish urban and rural identification-assistance units with the aid of the institutions most widely established in the areas concerned and using common methodological criteria in the operation.

Question No. 2 (e)

186. The food distribution and marketing system has often worked to the detriment of the food supply process. The logistics of distribution are determined by the high cost of transport and the lack of specialized storage facilities, which cause considerable wastage and force producers to accept the prices imposed by middlemen. In urban areas, for example, even though modern supply centres have been built, there are still marketing deficiencies which make the goods more expensive. Difficulties of access and the dispersal of rural settlements are a constraint on the adequate provision of food; distribution is effected by traveling markets, with the paradoxical result that the rural population which produces farm products but has little money pays higher prices for mass-consumption foods.

187. The point concerning the protection and conservation of food producing resources is dealt with in the answer to question 2 (g) (see paras. 189-194).

Question No. 2 (f)

188. Since 1967 food assistance has been focused on risk groups, and community participation has been encouraged in activities concerned with nutritional education, food supply, public health and nutritional care directed towards the most disadvantaged groups. In addition, since the 1970s the objective has been to incorporate this assistance in the primary health care services.

Question No. 2 (g)

189. On this point article 27 of the Constitution provides the legal basis of the ownership of the land and waters contained within the national territory, and it is for the Nation to transfer the control of land and waters to private owners. In December 1991 the Congress of the Union made substantial changes in this article in order inter alia to preserve and restore the ecological balance and to provide, in the law regulating the organization and exploitation of ejidos and communities, for the development of rural smallholdings and to encourage food production.

190. Given below are some excerpts from the introduction to the new version of article 27, with the additions to the former text underlined:

> "Article 27. The ownership of the land and waters contained within the national territory is vested originally in the Nation, which has had and retains the right to transfer control of such land and waters to individuals in the form of private ownership.

Expropriations shall be made only for reasons of public interest and with compensation.

The Nation shall at all times have the right to impose on private owners any arrangements dictated by the public interest and to regulate for the benefit of society the use of the natural elements susceptible of appropriation, in order to ensure a fair distribution of the public resources and their conservation, as well as the country's balanced development and improvement of the living standards of the rural and urban population. Accordingly, the necessary measures shall be enacted to regulate the human settlements and establish appropriate provision, use, reservation and disposal of land, waters and forests for the purpose of carrying out public works and proposing and regulating the establishment, preservation, improvement and growth of human settlements, preserving and restoring the ecological balance, breaking up latifundios, arranging in the regulations giving effect to this article for the organization and collective use of *ejidos* and communities, developing rural smallholdings, promoting agriculture, livestock-raising, forestry and other economic activities in rural areas, and preventing the destruction of natural resources and any damage which the holdings may suffer to the detriment of society.

The Nation shall have direct control over all the natural resources of the continental shelf and the submarine parts of islands, all the minerals or substances found in veins, strata, masses or deposits which are different in kind from the constituents of the land, such as ores from which industrial metals and metalloids are extracted, deposits of precious stones, rock salt and salt pans formed directly by sea water, substances resulting from the decomposition of rocks when their mining requires underground workings, mineral or organic deposits of substances which can be used as fertilisers, solid mineral fuels, oil and all solid, liquid or gaseous hydrocarbons, and the air space situated above the national territory, to the extent and under conditions established in international law."

191. There follows the text of the new section VII of article 27:

"VII. Legal personality shall be accorded to population groups organized into *ejidos* and communities, and their ownership of land shall be protected for purposes both of human settlement and of production activities.

The law shall protect the integrity of the lands of indigenous groups.

The law, in order to ensure respect for and strengthening of the communal life of such *ejidos* and communities, shall protect the land used for human settlements, shall regulate the communal use of land, forests and waters and shall take the necessary action to encourage improvements in the standard of living of the inhabitants.

The law, with regard to the desire of members of such *ejidos* and communities to chose the conditions which suit them best in the use of their production resources, shall regulate the exercise of the rights of the whole community to the land and of each member of the community to his plot. It shall also establish the procedures by which members of *ejidos* and communities may form associations with each other, with the State or with third parties and grant the use of their land and, in the case of members of *ejidos*, transfer rights to individual plots between members of the *ejido*; it shall also establish the requirements and procedures for assemblies of the *ejido* and shall grant to individual members ownership of their plots. In the event of alienation of a plot, the right of first refusal provided by law shall be observed.

Within any one *ejido* no member may own more land than the equivalent of five per cent of all the communal land. In any event, the ownership of land by any one member shall be subject to the limits set out in section XV.

The general assembly shall be the supreme organ of the _ejido_ or community and shall be organized and function as stipulated by law. The executive committee of the _ejido_ or community, democratically elected in accordance with the law, shall be the representative body and shall be responsible for carrying out the resolutions of the assembly.

The restitution of land, forests or waters to _ejidos_ or communities shall be carried out in accordance with the regulations giving effect to this article."

192. There follows the new text of section XV, with the changes underlined:

"Latifundios shall be prohibited in the United Mexican States.

An agricultural smallholding is defined as one which does not exceed _for each individual holder_ 100 hectares of irrigated land or naturally watered land (_humedad de primera_) or their equivalents in other categories of land.

For this purpose, one hectare of irrigated land shall be regarded as equivalent to two hectares of seasonal land, four hectares of good grazing land or eight hectares of _forest_, mountainous land or grazing land in arid areas.

A smallholding shall also be defined as an area not exceeding _per individual owner_ 150 hectares of land used for cotton when irrigation is provided, and 300 hectares of land used for platano, sugar cane, coffee, henequen, rubber trees, _palm trees_, vines, olives, quina, vanilla, cocoa, _agave_, _prickly pear_ or fruit trees.

A livestock smallholding shall be defined as one not exceeding _per individual owner_ the area needed for maintaining up to 500 head of cattle, horses or mules or the equivalent in sheep, goats and pigs under the conditions established by law and in accordance with the land's grazing capacity.

When as a result of irrigation, drainage or any other works carried out by the owners or tenants of a smallholding the quality of the land is improved, _it shall still be regarded as a smallholding_ even if as a result of the improvement the limits indicated in this section are exceeded, provided that the legal requirements are satisfied.

When improvements are made to the land of a livestock smallholding and the improved land is consequently intended for agricultural use, the area used for this purpose shall not exceed, as the case may be, the limits mentioned in the second and third paragraphs of this section with respect to the quality of the land before its improvement."

193. There follows the new text of article 27, sections XVII to XX:

" XVII (...)
The local laws shall regulate the assets of a household, specifying its constituent parts, and this shall form the basis for the inalienability of the assets, which shall not be subject to any distraint or encumbrance;

XVIII. All contracts and concessions made by previous Governments from 1876 which have resulted in the accumulation of land, waters and natural resources of the Nation in the hands of a single individual or company shall be subject to review, and the executive branch of the Union shall be empowered to declare such contracts and concessions void when they entail serious injury to the public interest;

XIX. On the basis of this Constitution the State shall take the necessary action for the speedy and honest execution of agrarian justice, with a view to guaranteeing the legal security of the holding of _ejido_ and

> communal land and smallholdings, and shall provide legal advice to the peasants.
>
> All issues relating to the delimitation of ejido and communal land, of whatever source, which have arisen or may arise between two or more communities, and issues relating to the tenure of ejido and communal land, shall fall within federal jurisdiction. To this end, and for the administration of agrarian justice in general, the law shall establish independent tribunals invested with full jurisdiction consisting of magistrates proposed by the executive branch and appointed by the Senate or, when the Senate is not sitting, by the Standing Commission.
>
> The law shall establish an organ for the administration of agrarian justice.
>
> XX. The State shall promote the conditions for integrated rural development in order to generate employment and guarantee the welfare of the peasant population and its participation and incorporation in the country's development, and shall support farming and forestry activities to make optimum use of the land with infrastructure works, inputs, loans, training services and technical assistance. In addition, it shall enact regulations governing the planning and organization of farm output and its processing and marketing as being in the public interest."

194. With respect to question No. 2 (g) (iii), most of the disputes arising in rural areas are concerned with agrarian matters, and in order to resolve such disputes the Government of Mexico created in 1992 the Office of Agrarian Justice (Procuraduría agraria), which is directed by leading indigenous-affairs activists. The country also has many non-governmental organizations which have taken up the cause of reporting abuses of authority against peasants; these organizations also provide legal advice.

Question No. 2 (h)

195. A special feature of the National Food Programme is its inter-relationship with other sectoral programmes operating in the same field, such as the national modernization programmes for rural areas, fisheries, inputs, health and education, as well as the programmes established in accordance with the policies for improved food supply such as the development funding programme and the science and technology modernization programme. In the same way, the National Food Programme is closely related and coordinated with the National Solidarity Programme. These are both special programmes, and constitute a machinery for the coordination of the policies of various government agencies and for communication and coordination with the production sectors.

196. The Ministry of Health has been carrying out food assistance programmes since 1962. For 29 years direct food assistance has been funded by grants from international bodies such as Care International (CARE), the Fundación para el Desarrollo de la Comunidad (FDC - Community Development Fund), and the World Food Programme (WFP), except in the period 1967-1976 when the Government of Mexico provided incentives to encourage community activities in social welfare works.

197. In the study referred to earlier (see para. 159) the National Food Commission identified the following defects in supply and marketing and it is trying to correct them by means of the programmes described above:

(a) The logistics of the distribution of farm goods depends to a large degree on the capacity and availability of the support infrastructure, consisting mainly of the network of processing and refrigeration plants, means of transport and communication, the public and private storage systems, rail, sea and road transport, port capacity and specialized technical and operational facilities in general.

(b) The diversification of farm output due to market behaviour, the costs of harvesting and transport, the lack of selection and classification, the inadequate packaging and handling of products, and the shortage of specialized storage facilities causes much wastage and forces producers to accept the prices imposed on them by middlemen.

(c) The installed storage capacity has technical and operational defects which impede the proper handling of food products, mainly grains and perishable goods; this situation causes high levels of wastage.

(d) During the harvest period in high-output areas the limitations of the available warehousing capacity are felt more acutely and attempts are made to overcome them by means of emergency measures for the adaptation of open areas for storage of grains and seeds, with the consequent risks of deterioration.

(e) The storage facilities are often located in the wrong places both in the rural areas and in distribution and consumption centres, for some areas have spare capacity, while others need extra storage.

(f) In addition to the shortage of grain-storage facilities, the refrigeration installations are insufficient and uncoordinated.

(g) The transport of basic items suffers similar constraints. The locomotive and rolling stock capacity of the railways is insufficient, and the shortage of equipment compromises the efficiency and flexibility of distribution operations; there is a shortage of specialized road-transport vehicles and those which are suitable for this purpose operate with high costs and low levels of efficiency.

(h) In order to make good the internal food shortage resulting from population growth and the decline in the national production and supply of farm goods, it has been necessary to introduce supplementary imports programmes. However, in 1992 there were no imports of maize for human consumption or of beans, for the national output of these items satisfied the domestic demand.

(i) The inadequate port infrastructure and handling capacity of land frontier crossing points also hinder the strategic support of food distribution.

(j) The lack of market information results in the unnecessary shipping of goods, commercial triangulation and lack of basic indicators to determine buying and selling prices, placing both producers and final consumers at a disadvantage.

(k) Mass-consumption foods are marketed through two channels: the traditional and the modern. The traditional channel resembles a small and technically obsolete business offering a small number of products and inefficiently managed, with consequent high prices for the final consumer. In contrast, the modern channel takes the form of big retail commercial centres which employ modern technology, diversify their supply of goods, and operate efficiently and at low cost, although this does not necessarily mean low consumer prices. It must be emphasized that the traditional channel supplies the poorer population groups and the modern channel the highest-income groups. Paradoxically, the social function of the traditional channel is extremely expensive, while that of the modern one works to the benefit of the people with greater purchasing power. This situation explains why unit prices are higher and the goods of lower quality in traditional establishments, with the opposite situation obtaining in the highly developed commercial network.

(m) In rural areas food is supplied through markets operating only on certain days, owing to the lack of sufficient demand to justify permanent market installations and to the difficulties experienced by rural consumers in making their way to non-local markets; the supply system therefore has to be supported by a large supplementary system of warehouses and rural shops in the public sector; in 1991 there were more than 19,000 operating to meet the demand.

(n) The distribution and marketing system in urban areas consists mainly of a dense network of intermediaries and transport operators which charge a large fraction of the final value of the primary producers and pass on higher charges to the retail distributors and final consumers. Accordingly, despite the construction of 19 modern supply centres in the main urban areas, inefficient marketing arrangements which make the goods more expensive remain very common, the main problem being shortage of refrigeration and preparation facilities.

(o) As a result of all these problems, efforts to modernize commercial activities and make them more efficient have been focused mainly on urban areas in the form of large commercial establishments and chains with which small shops find it difficult to compete. Nevertheless, small shops do play an important role in rural areas, in small towns and in the marginalized districts of the big conurbations.

(p) Social organizations of producers and consumers offer viable alternatives as means both of strengthening the traditional distribution channels and of boosting purchasing power. Among the various schemes adopted so far there are the community associations and marketing and consumption cooperatives, which have proved their self-management capacity.

The right to adequate housing

Question No. 3 (a)

198. The 1990 general population and housing census recorded 81.2 million inhabitants living in 16.1 million housing units (annex 5A).

Question No. 3 (b) (i)

199. According to the same census, the number of homeless persons was very small, equivalent to two thousandths of the population counted in 1990: 162,000 out of a total population of 81.2 million.

Question No. 3 (b) (ii)

200. On the basis of the projection of the 1980 census data, it is estimated that in 1990 some six million housing units (roughly a third of the estimated total national stock in that year) suffered from various kinds of defects. A partial sampling of the 1990 census data published so far would seem to indicate that in a large number of the states of the Republic the stock of adequate housing has declined considerably. Towards the end of 1992, once the analysis of the census data has been completed, more accurate information about the current situation will be available.

Question No. 3 (b) (iii)

201. There is no statistical information on this point, but it is estimated that in 1990 some 20 to 25 per cent of the urban population was living in "illegal" settlements, i.e. 12 to 15 million persons. However, it must be emphasized that for more than 15 years now the regularization of land tenure has been a permanent process. It is sufficient to note that, in the period 1989-1991 alone, 1.2 million title documents were issued for urban plots to an equal number of families, with ultimate benefit to some 6.6 million people; this process has been reducing the extent of "illegal" settlements or housing.

Question No. 3 (b) (iv)

202. There are no statistics on this point, but the actual figure would appear to be very low, for the legislation on renting of housing tends to protect the tenant. In the case of the illegal occupation of land for housing, as reported in paragraph 201, the issue is usually resolved by means of legal regularization of tenure. In special cases, such as the establishment of shanty towns in areas of high risk from flooding, landslips etc., the situation is dealt with by relocating the families to safer sites.

Question No. 3 (b) (v)

203. There is no information on this point, but as a general rule low-income families spend between a third and a quarter of their income on housing, either in the form of rent or credit purchase or by putting up an equivalent amount for direct investment in self-build housing. Public and private bodies providing housing finance usually set a ceiling of 25 or 30 per cent of monthly income as the maximum repayment of principal and interest.

Question No. 3 (b) (vi)

204. There is no overall waiting list for accommodation kept by the various public organs and institutions which finance housing. However, the vast majority of the applicants currently have rented or borrowed accommodation and are applying for financing for the purchase of their own homes.

Question No. 3 (b) (vii)

205. Mexico's census classification has three types of tenure. According to the 1990 census data, the proportions were as follows:

(a) Owner-occupiers - approximately 65 per cent of families;

(b) Rented housing - approximately 25 per cent of families; and

(c) Other housing - the remaining 10 per cent. This category includes accommodation loaned free of charge, either informally by friends or relatives, or formally for a limited period.

Question No. 3 (c)

206. Mexico has no laws negatively affecting the realization of right to housing.

Question No. 3 (c) (i)

207. Article 4 of the Constitution states: "Every family shall have the right to appropriate and decent housing. The law shall establish the necessary instruments and machinery for the attainment of this objective."

Question No. 3 (c) (ii)

208. Article 121, sections II and III of the Constitution state:

> "II. Moveable property and real estate shall be regulated by the law of the place in which they are located;
>
> III. Decisions handed down by state courts concerning property titles or real estate located in another state may be enforced in that other state only when its own legislation so allows."

It can thus be seen that all the states of the Republic have their own legislation on housing, including homeless persons.

Question No. 3 (c) (iii)

209. Article 27 of the Constitution, which was reproduced earlier (see paras. 190-192) provides the answer to this question. This article establishes the terms of compensation. There is also the Agrarian Reform Act, which deals at length with land distribution and allocation, and there are also local laws in force. In addition, article 4 of the Constitution, as revised in December 1990, states that "in agrarian cases and proceedings to which they (indigenous peoples) are parties, their own legal practices and customs shall be taken into account as provided for in the Act".

210. Article 6, section VII, of the Federal Housing Act regulates the market in housing land. This article is reproduced in answer to question 3 (c) (v) (see para. 212).

211. Article 831 of the Civil Code for the Federal District in general matters and for the whole Republic in federal matters states that "property may not be occupied against the will of its owner except for reasons of the public interest and with compensation". According to article 836, "subject to payment of compensation, the authorities may occupy private property, damage and even destroy it, if such action is essential in order to prevent or remedy a public disaster, to safeguard people against an imminent risk, or to carry out works of obvious collective usefulness".

Question No. 3 (c) (iv)

212. With regard to the provision of finance or subsidies for tenants, article 6 of the Federal Housing Act states:

"It is the responsibility of the Department of Urban Development and the Environment (from 1992 the Department of Social Development):

> (a) To coordinate the national housing system in a manner agreed with the governments of states and municipalities and in accordance with the guidelines, rules and mechanisms established for this purpose;
>
> (b) To ensure, within its sphere of competence, that the bodies in the sector which it coordinates conduct their activities in accordance with the provisions of this Act and the sectoral housing programme;
>
> (c) To promote the production and distribution of building materials;
>
> (d) To intervene in the regulation of the market in housing land by determining the general policies and rules which shall be observed by the agencies and offices of the federal public administration with respect to the purchase and disposal of land, in accordance with chapter 3 of this Act, the Human Settlements Act, the National Assets Act, and other applicable legislation;
>
> (e) To encourage, in coordination with the governments of the states and municipalities, the formation of community organizations, cooperative associations and other communal self-help arrangements for the construction and improvement of housing;
>
> (f) To draw up regulations governing the design and construction of housing in the interest of the welfare and development of the family, incorporating ecotechnical criteria and encouraging the use of the most appropriate technology, with the participation of the states and municipalities in their respective jurisdictions;
>
> (g) To draw up guidelines for housing information and statistics, in accordance with the Planning Act, the Statistical and Geographical Information Act, and the regulations issued by the Ministry of Programming and Budget in this respect;
>
> (h) To promote and coordinate the efforts to provide shelter in the event of disasters affecting densely populated areas, as instructed by the President of the Republic."

213. With regard to the affordability of housing, article 833 of the Civil Code for the Federal District in general matters and for the whole Republic in federal matters states that "it is in the public interest for the Government to purchase appropriate land with a view to selling it for the construction of family homes or for the Government to build housing for rental to poor families at low rates." Under this provision measures are being enacted for housing finance and rent control and to subsidize housing and make it more affordable.

Question No. 3 (c) (v)

214. The following regulations are concerned with building standards:

(a) Federal District building regulations;

(b) Electrical installations regulations;

(c) Water and drainage service regulations for the Federal District;

(d) Rules governing the sale of housing;

(e) Agreement under which, in order to support the construction of social housing, the Office of Urban Redevelopment and Environmental Protection may waive, depending on the type of construction project, a part or all of the requirements concerning the provision of parking bays contained in the Federal District building regulations;

(f) Agreement containing regulations governing housing projects already constructed or under construction;

(g) Additional technical rules in the Federal District building regulations;

(h) Decree providing tax incentives for the construction of social housing.

Question No. 3 (c) (vi)

215. Article 832 of the Civil Code lays the bases for preventing discrimination against the most disadvantaged groups in their exercise of the right to housing.

Question No. 3 (c) (vii)

216. Chapter II, concerning landlords' rights and obligations under the Civil Code, guarantees in its article III. 2414, section IV, the peaceful use or enjoyment of the accommodation for the full duration of the contract, and goes on to state that "during the rental period the landlord shall not change the form of the rented accommodation or interfere in its legitimate use".

Question No. 3 (c) (viii)

217. To date no reforms or laws have been enacted which detract from the fulfilment of the right to housing.

Question No. 3 (c) (ix)

218. The following legislation restricts speculation in housing or property:

(a) The Federal Housing Act;

(b) The Act governing the Institute of the National Workers' Housing Fund;

(c) The Expropriation Act;

(d) The Federal Agrarian Reform Act;

(e) The Federal Act on Monuments and Archaeological, Artistic and Historical Areas.

Question No. 3 (c) (x)

219. The legislative measures granting legal title to persons living in the "illegal" sector are as follows:

(a) Agreement creating an interdepartmental commission to establish the foundations for the formulation and implementation of programmes of construction on public land and for the regulation of tenure;

(b) Rules concerning the land regularization programmes carried out by the Department of the Federal District or its sectoral offices;

(c) Agreement extending the application of these rules to the land regularization programmes carried out by the Department of the Federal District or its sectoral offices;

(d) Agreement furnishing the necessary administrative facilities to the beneficiaries of the regularization of land tenure in the Federal District;

(e) Administrative facilities for the beneficiaries of the regularization of land tenure effected by the Commission on the Regularization of Land Tenure in the Federal District.

Question No. 3 (c) (xi)

220. The legislation concerning environmental planning and health in housing and human settlements is as follows:

(a) The Human Settlements Act;

(b) The Ecological Balance and Environmental Protection Act;

(c) The Health Act;

(d) The Federal Environmental Protection Act;

(e) The Federal Act on Prevention and Control of Environmental Pollution;

(f) The Federal District Urban Development Act;

(g) The Federal District zoning regulations;

(h) The regulations on urban development plans;

(i) The urban development master plan for the Federal District;

(j) The indicative plan for the metropolitan conurbation;

(k) The National Urban Development Programme;

(l) The National Environmental Protection Programme 1990-1994;

(m) The supplementary technical rules for environmental conservation areas;

(n) The supplementary technical rules for urban areas.

Question No. 3 (d) (i)

221. The assistance provided by Mexico's public sector is extensive. It should be noted that the National Housing Programme 1990-1994 reproduces to some extent the United Nations Global Strategy for Shelter to the Year 2000 in the sense that the improvement of housing conditions is made a responsibility of society as a whole and that the public sector is made responsible for providing the resources or facilities beyond the reach of families or local groups. Two kinds of government action must be emphasized:

(a) All the funding from the National Social Housing Fund (FONHAPO) channelled to the state housing institutes operating in the 32 federal states is made available to people's associations and informal local groups. This funding is intended for groups of unwaged persons both in the towns and in rural communities.

(b) All of the material, technical and financial investment resources furnished through the National Solidarity Programme are allocated to local or neighbourhood committees whose formation is promoted and coordinated by the municipal authorities. These resources are intended for the establishment, expansion and improvement of the networks of public water, drainage, electricity and road-building services and for the construction, extension and repair of urban facilities: schools, health centres, community centres and recreational areas. The resources always take the form of loans to local organizations. These organizations, depending on the nature of the project, provide materials and labour and in some cases additional financing. The resources are invested under participatory and self-build schemes.

Question No. 3 (d) (ii)

222. All the public sector housing programmes concentrate on the funding of the construction and improvement of housing units for the lowest-income groups. Almost all the loans are granted for owner-occupied housing, either for single families or on a condominium basis. Furthermore, various policy measures are being applied in the promotional, tax and legal areas in order to encourage the construction and rehabilitation of rental housing. However, certain legal, tax and urban planning factors have come into play which have so far discouraged large-scale investment of resources in this kind of housing project.

Question No. 3 (d) (iii)

223. The Federal Government, through the Ministry of Social Development, is making land available for housing and other urban uses by means of purchase and expropriation both of private property and of *ejido* and communal land. The land acquired in this way is made available to state governments for use in housing programmes financed with public, private and social resources.

Question No. 3 (d) (iv)

224. The Housing Office of the Federal Ministry of Urban Development and the Environment is concerned largely with regulation and sectoral coordination. Apart from the investments in land earmarked for building, which are provided from budgetary resources, all other public sector investment and funding is channeled through the specialized housing bodies. Annex 6 includes data on the number of loans and their total value in the period 1989-1992. Furthermore, it is estimated that investment in the public housing programmes represents approximately 1.5 per cent of GDP.

Question No. 3 (d) (v)

225. Mexico has concluded housing loan agreements with the World Bank (International Bank for Reconstruction and Development). These resources are channeled through two institutions: the Banking Operations and Finance Fund for Housing (FOVI) and the National Social Housing Fund (FONHAPO). All these loans, which are supplemented by a national counterpart consisting of resources from taxation and the returns on household loans, are used to fund housing for low-income groups. All the FONHAPO resources are used to help unwaged families with incomes below 2.5 minimum wages. Some 90 per cent of FOVI resources are used to fund housing for families with incomes between 2.5 and four minimum wages. At the same time, the main public housing bodies, such as INFONAVIT and FOVISSSTE, make loans to families with incomes below four minimum wages. Moreover, within this limit, most of their resources are used for housing for families with incomes between 1.5 and 2.5 minimum wages.

Question No. 3 (d) (vi)

226. The implementation of these measures is the responsibility of the Ministry of Social Development. It must be emphasized that the National Urban Development Programme 1990-1994 attaches highest priority to the development of the country's medium-sized towns and rural townships through provision of integrated services. These townships receive most of the investment funds for the establishment and expansion of their infrastructure and urban facilities. The National Housing Programme stipulates that 85 per cent of such investments should be directed to the country's medium-sized and small townships.

Question No. 3 (d) (vii)

227. The urban renewal programmes, including the restoration and renovation of the historical sites in the country's main towns and the capital of the Republic, give priority attention to the rehabilitation of existing accomodation in old buildings. In many cases, in addition to the provision of loans for the renovation of property, the occupiers themselves, who are usually renting their accommodation, purchase it and organize themselves into condominiums. In the case of international sporting events held in Mexico in previous years, the visiting participants were accommodated in recently built housing projects which had not yet been occupied. Following the games, the units were offered to families interested in buying their own homes.

Question No. 3 (e)

228. In recent years there have been no changes negatively affecting the right to housing.

Question No. 4

229. This question is non-applicable in view of the negative reply to question No. 3 (e).

Question No. 5

230. The Government of Mexico receives loans from the World Bank to provide funding for housing for low- and middle-income groups.

Article 12 of the Covenant - Right to physical and mental health

Question No. 1

231. In order to provide an objective picture of the general mental and physical health of Mexico's population, we have included annex 7 on mental health care and services by federal state.

232. The evolution of health standards can be shown by means of simple indicators such as the average number of occupants per dwelling, the percentage of dwellings with piped water supply, and the percentage of dwellings with drainage. These indicators are analyzed in the answers to questions Nos. 4 (b) and (c) (see paras. 250-252).

Question No. 2.

233. The Government of Mexico does have a health policy as part of the National Health System, which is coordinated by the Ministry of Health and includes various government agencies providing primary health care for the people. The National Health Programme 1990-1994 is the operational strategy of the National Health System for attainment of the health and social welfare objectives and targets. The general aim is to protect the health of all Mexicans by providing, with the cooperation of communities and the three levels of government, health services and timely, effective, fair and humanitarian benefits which actually do help to improve the people's standards of social welfare

234. It is the responsibility of the Ministry of Health to formulate the technical regulations and also to monitor the application of the health regulations at places of work in order to protect the health of persons employed there.

235. The Government of Mexico has made a commitment to the primary health care approach of the World Health Organization (WMO), and the National Programme itself reflects the WMO strategies. Primary health care is the object of 85 per cent of government health activities under the following headings:

(a) Preventive treatment or medicine;

(b) Expanded immunization programmes;

(c) Vector prevention programme;

(d) Programme to prevent other diseases requiring vaccination or treatment in health centres or doctors' surgeries.

The Universal Vaccination Certification Board came into operation on 27 May 1992 for the whole health sector; its aim is to ensure that all children receive 100 per cent of the range of vaccinations.

Question No. 3

236. The health sector receives five per cent of GNP, i.e. approximately 25 billion pesos. Within this budget 85 per cent of the funds are spent on primary health care. This proportion of GNP has increased by 1.8 per cent in comparison with five and 10 years ago.

237. According to the National Health System, in 1990 its potential clientele totalled 37.9 million persons: 65.16 per cent were the responsibility of the Ministry of Health, 26.54 per cent of the IMSS Solidarity Programme, and 8.3 per cent of the Department of the Federal District; the population with legal entitlements from the agencies of the National Health System totalled 48 million, of whom 80.32 per cent had entitlements from IMSS, 16.81 per cent from the Social Security and Services Institute for State Workers (ISSSTE), and 2.87 per cent from other public bodies.

238. In 1990 a total of 15.6 billion pesos was spent on health programmes, of which 762.8 thousand million was spent on preventive treatment, 9.6 billion on curative treatment, 702.8 thousand million on social benefits, and 4.5 billion on other programmes. This expenditure represented 2.3 per cent of the country's GDP, a figure which compares favourably with those of the five previous years although it is lower than the levels of the 1970s and the first half of the 1980s. Public spending per capita of the total population amounted to 180.47 thousand pesos, while per capita spending on the user population totalled 342.3 thousand pesos.

Question No. 4 (a)

239. The infant mortality rate is still in a sustained downward trend. The official figures indicate 25 deaths per 1,000 live births; however, since it is acknowledged that deaths are under-registered in rural areas, indirect methods have been used to estimate that the true level is 30 deaths per 1,000 registered live births.

240. In order to determine the country's general health standards, a brief analysis will be made of certain recent indicators of infant mortality at the national level and by federal state.

241. Eleven states had an infant mortality rate higher than the national rate, but in Tlaxcala and Puebla in particular the overall mortality rates were higher, indicating that the health standards of their populations are poor. Of these 11 states the worst are: Guanajuato, México, Puebla, Querétaro and Tlaxcala. Annex 7A shows indicators by federal state and mortality rate.

242. Where the average age of death is concerned, the states with lower averages than the whole country (48-56 years) include Quintana Roo, Chiapas, Tabasco, México and Querétaro. In a further 10 states people die younger than in the country as a whole.

243. The overall mortality rates have shown significant declines as a result of the country's development. These changes have not operated evenly throughout the country, and regional inequalities persist, even worsening in some cases. In 1986 the State of Oaxaca had an overall mortality rate of 7.5, almost three times higher than the State of Quintana Roo where the rate was only 2.6; both figures refer to the number of deaths for every 1,000 inhabitants. This

illustrates the wide variation in the overall mortality rate throughout the country.

Overall mortality rates by federal state
(1986)

Aguascalientes	500.73
Baja California	535.49
Baja California Sur	367.98
Campeche	394.92
Coahuila	507.97
Colima	534.76
Chiapas	594.13
Chihuahua	571.18
Distrito Federal	530.01
Durango	397.55
Guanajuato	645.98
Guerrero	419.70
Hidalgo	571.74
Jalisco	555.99
México	429.53
Michoacán	558.05
Morelos	479.22
Nayarit	442.50
Nuevo León	392.20
Oaxaca	753.95
Puebla	689.48
Querétaro	557.68
Quintana Roo	260.66
San Luis Potosí	514.21
Sinaloa	371.59
Sonora	492.55
Tabasco	494.00
Tamaulipas	475.23
Tlaxcala	631.14
Veracruz	446.76
Yucatán	578.66
Zacatecas	463.98

244. An analysis of the main causes of death reveals elements of epidemiological transition, with progress from a profile associated with underdeveloped countries to one similar to that of industrialized countries. In underdeveloped countries deaths from infectious and parasitic diseases account for a high percentage of total deaths; in industrialized countries the commonest causes of death are tumors, accidents and cardiovascular diseases. Today, although Mexico shows a clear downtrend with respect to the first type of mortality, there are still social groups and states with high incidences of these avoidable ailments, affecting mainly children, who are one of the most vulnerable population groups.

Ten main causes of death
(percentages)
(1986)

Coronary diseases	12.76
Accidents	10.95
Malignant tumors	9.01
Intestinal infections	7.39
Diabetes mellitus	5.81
Influenza and pneumonia	5.37
Perinatal ailments	4.83
Cerebro-vascular diseases	4.45
Cirrhosis of the liver	4.02
Homicide	3.98
Others	31.43
Total	100.00

245. Infant mortality differs from overall mortality in that it is an extremely sensitive phenomenon and closely related to socio-economic factors.

Ten main causes of infant mortality
(percentages)
(1986)

Perinatal ailments	28.03
Intestinal infections	22.47
Influenza and pneumonia	14.96
Congenital defects	8.62
Nutritional defects and avitaminosis	2.07
Bronchitis, emphysema and asthma	1.98
Acute respiratory ailments	1.95
Accidents	1.84
Coronary diseases	1.80
Septicaemia	1.11
Others	15.16
Total	100.00

246. With regard to the distribution by sex of the country's overall mortality in 1986, the rate for men was 5.6 and for women 4.4 per 1,000 inhabitants. However, it should be emphasized that, according to the data most of this difference is due to deaths from accidents, homicide and cirrhosis of the liver.

247. Annex 8 shows the specific mortality rates in 1986 by group of disease and by age group, with the first table indicating the absolute rates, the second their percentage distribution, and the third the causes by sex. In this table the distribution of deaths by age group shows high concentrations at the extremes.

248. In addition, annex 9 shows the years of potential life lost before age 70 for the 10 main causes of death; this gives an idea of the magnitude of the effects of the different mortality rates by cause at various stages of life, and demonstrates the true dimensions of some of the problems facing Mexico's public health services, such as deaths from infectious diseases, influenza and pneumonia (at an early age) or deaths from accidents and violence (in youth), which have been increasing in recent years.

249. In order to produce a definition of urban/rural areas, the study of the processes of urbanization was intensified from the 1960s and the volume of regional research was increased. In this context the rural/urban gap has been discussed in terms of the definition of the dividing line between the two concepts, and the criteria for making the distinction are still disputed today. The "size of settlement" variable has proved of great analytical usefulness, for it allows the use of optional frontiers for distinguishing rural from urban areas in terms of the number of inhabitants, as well as facilitating the analysis of differences in terms of the socio-economic and demographic features of the various categories of the classification. These categories have been defined so as to allow maximum comparability, with a requirement of 2,500 inhabitants and over for the urban category.

Question No. 4(b)

250. Seventy-nine per cent of dwellings have piped water but 15 States fall below this level. Particularly disadvantaged in this respect are the States of Tamaulipas, Hidalgo, Campeche and Guerrero, where fewer than 50 per cent of dwellings have piped water: According to the 1990 census, 12,729,987 dwellings had piped water, 8,072,518 within the dwelling, 4,186,307 outside but within

the property, 471,162 had to use public standpipes or hydrants, and 3,173,348 dwellings had no access to piped water.

251. The lowest figures for piped water are found in five states where most of the rural and indigenous population is concentrated; 7,962,701 dwellings have drainage connected to the street system, 1,308,292 are connected to a septic tank, 341,195 have drainage to the ground, a river or lake, and 2,316,595 dwellings have no drainage. The following table shows the imbalance under this heading.

States with highest rural population density	Dwellings with piped water	Dwellings with no service
Chiapas	346,742	240,645
Guerrero	285,587	208,627
Oaxaca	340,872	240,384
Tabasco	166,438	114,818
Veracruz	755,092	494,759
Baja California	291,871	67,571
Distrito Federal	223,512	37,327
Jalisco	864,481	76,825
México	1,596,532	265,319
Nuevo León	596,390	43,198

Question No. 4 (c)

252. Of the 16,035,233 housing units in Mexico, 11,998,430 have lavatories and 3,944,043 do not. As under the previous heading, the states with the lowest figures for lavatories are those with the greatest concentrations of rural population, whereas the states with the biggest urban populations have the highest figures for this service. The following table shows the imbalance under this heading.

States with highest rural population density	Dwellings with lavatories	Dwellings without lavatories
Chiapas	317,732	272,658
Durango	168,128	92,937
Guanajuato	432,000	248,793
Guerrero	234,150	262,458
Hidalgo	191,000	169,460
Oaxaca	292,709	291,004
Puebla	462,469	305,418
Querétaro	118,693	73,107
Tlaxcala	82,717	53,864
Zacatecas	125,488	112,209
Baja California	333,431	26,843
Distrito Federal	1,637,554	140,507
Jalisco	875,296	148,826
México	1,457,076	407,740
Nuevo León	602,238	37,607

Question No. 4 (d)

253. Annex 9A gives the figures for children immunized against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis. The 1990 figures refer to the population at large having entitlements from the various government agencies. The end of the 1980s was the target date for attainment by the Government of Mexico of one of its most ambitious public health objectives in recent years: halting the transmission of the polio virus. The Government of Mexico is delighted to inform this Committee that since October 1990 there have been no confirmed cases of poliomyelitis and the presence of the virus has not been recorded anywhere in the country.

254. The universal vaccination programme represents a major advance in the implementation of the National Health Programme, for it is a response to the acknowledged persistence of problems of cover, which in turn produce flaws in

the operation of the traditional programmes, and problems of socio-cultural and geographical barriers. Invested with powerful political, technical and financial support, as well as the support of all the elements of the National Health System, the universal vaccination programme was set the ambitious target of achieving total cover of children under five with the basic vaccinations by October 1992; once the subsequent evaluation is available, the Government of Mexico will be able to confirm the attainment of the target by the end of 1992. The specific goals of the programme include the eradication of infantile paralysis and diphtheria and control of measles and the serious types of tuberculosis.

255. No disaggregation by urban and rural area is available since Mexico is a country of 1.96 million square kilometers divided into 32 sovereign states where the health situation is affected by the geographical variables of the place of residence and by weather and environmental conditions. Its geographical diversity is also a factor in Mexico's uneven socio-economic development, producing very considerable differences between regions of the country. It is no coincidence that in general terms big differences are found between the north and the south of the country and between the coast and the high plateau.

256. Accordingly, the state health programmes consist of the national programme with the incorporation of a regional content. In the same way, the health services are part of a regionalized and stratified scheme in which the health modules consisting of a doctor, a nurse and a health worker are the nucleus for the services which carry out the programmes and cater for local priorities. One health module attends 500 families. In physical terms the modules are assigned to the primary health care units - the health posts (casas de salud), the urban or rural health centres, the mobile units, the family medicine units or rural clinics or the rural medical units in the social security institutions.

Question No. 4 (e)

257. Under this heading annex 10 provides information broken down by federal state; as under previous headings, longer life expectancy is found in the towns with the highest density of urban population, with lower figures for denser concentrations of rural indigenous population. The urbanized states with the longest life expectancy are Nueva León (74.1) and the Federal District (73.2), and the federal states with the biggest rural and indigenous populations which have the lowest life expectancy are Chiapas (66.4), Oaxaca (62.1) and Puebla (65.9). Life expectancy at birth is a graphic illustration of the progress in health and welfare. In recent decades the Mexican people has seen its life expectancy increase from 40 years in 1930 to 69 years in 1989, i.e. 30 years in six decades.

Question No. 4 (f)

258. Annex 11 sets out the numbers of trained medical personnel and material resources (beds) for the provision of health care, with statistics for the medical service available for every 1,000 inhabitants. It also includes data on human and material resources allocated to health care, with the figures for beds per 1,000 users. These statistics show that the lowest rates are found in the states with rural and indigenous populations, and that the opposite situation obtains in the most urbanized states. In Oaxaca there are 0.71 doctors per 1,000 users, in San Luis Potosí 0.80 and in Chiapas 0.81, whereas the Federal District has more than two doctors for every 1,000 users, Baja California Sur 1.95 and Aguascalientes 1.85.

259. Annex 12 includes statistical data on the population having access to trained personnel for the treatment of common diseases and injuries, with regular supply of 20 essential drugs. There are no statistics on the population having these facilities within one hour's walk or travel. However, the answer to question 4 (d) shows how the medical services are being brought to people living in areas of difficult access under the National Health Programme.

Question No. 4 (g)

260. Annex 13 gives statistics for pregnant women by federal state, including the first consultation and the subsequent three-monthly checks. In 1990 there was a total of 217,230 consultations of this type. Annex 14 gives the figures for outpatient prenatal checks by federal state in 1990 (a total of 1,734,810). Annex 15 contains the data on maternal deaths from complications during pregnancy, delivery and puerperium by federal state for 1990. Such deaths totalled 1,477, with 98 due to termination of the pregnancy by abortion, 536 due to complications connected mainly with the pregnancy, 61 during normal delivery, 626 from complications occurring mainly during labour and delivery, and 156 from complications during the period following confinement. The maternity mortality rate has also maintained a clear and sustained downward trend. Throughout the 1980s it stood below 10 deaths for every 10,000 live births: in 1980 the figure was 9.5, and in 1987 5.5.

Question No. 4 (h)

261. Annex 16 gives figures for outpatient consultations for children under 15 by federal state. In 1990 children aged 0 to 1 had 2,234,438 consultations; those aged 1 to 4 had 3,709,055; those aged 5 to 9 had 2,878,496; and those aged 10 to 14 had 2,420,000, for an overall total of 11,242,989. Annex 17 contains statistics on outpatient consultations for healthy children by age group and federal state. The figures for 1990 are: children under 1 - 564,324; aged 1 to 4 - 732,004; aged 5 to 9 - 438,783; and aged 10 to 14 - 441,468, for an overall total of 2,176,579.

262. At present 70 per cent of Mexico's population lives in urban areas; however, a large part of the rural population is found in 100,000 remote settlements with fewer than 500 inhabitants; innovative strategies will have to be established in order to improve their access to basic health services. This wide dispersal of 30 per cent of the population is a challenge in the provision of services and basic infrastructure.

Question No. 5

263. The groups which are disadvantaged in health provision are the extremely poor population in urban and rural areas and, within this population, the families at greatest risk, including children under five, mothers and workers. The population groups which draw least benefit from the development process have higher rates of morbidity and mortality from preventable causes and they also suffer inequalities which deny them a sufficient allocation of resources. These parallel profiles, which are largely due to social inequalities, manifest themselves in various dimensions, including the geographical dimension, and produce the phenomenon of epidemiological polarization in Mexico.

264. The population of the southern region of the country, consisting of the States of Chiapas, Campeche, Quintana Roo, Oaxaca and Guerrero, which are regarded as the poorest states, continue to have a higher risk of death from an infectious complaint. This disadvantaged status also manifests itself in the high infant and preschool mortality rates in comparison with the states of northern Mexico, whose mortality profile has ceased to be predominantly infectious and which also have broader cover and access to health services.

Question No. 5 (a)

265. There have been no negative changes during the reporting period.

Question No. 5 (b)

266. The following measures are considered necessary for improvement of the situation:

(a) To implement a programme to promote social assistance and facilitate the establishment of social assistance policies which will help to expand the cover and enhance the quality of the services;

(b) To advise the federal states in the preparation and implementation of social assistance programmes;

(c) To participate in the drafting of standard technical documents for the organization, functioning and assessment of the social assistance services;

(d) To provide pensioners and retired persons with monetary benefits to safeguard their physical, mental and social welfare;

(e) To distribute food and other assistance to pregnant women and children suffering from malnutrition;

(f) To furnish legal advice to mothers with low incomes;

(g) To promote recreational activities and the adjustment of patterns of behaviour in order to strengthen family bonds.

Question No. 5 (c)

267. The Government's policy is based on the National Development Plan 1989-1994, which covers in broad terms health and welfare and social security. Where health targets are concerned, the plan is to secure total cover between 1991 and 2000 by providing services to 30 million rural and 100 million urban dwellers; and in the case of health services cover, to ensure that 100 per cent of the population has access to the services.

268. The Government has adopted the following strategic policies:

(a) To define in each federal state the specific content of personnel training programmes in the light of the problems of health and funding;

(b) To decentralize the implementation of the human resources training and development programme and ensure that the local managers are themselves sufficiently well-trained to impart proper training;

(c) To establish supervision, advice and evaluation models as means of improving the academic and technical qualifications of personnel;

(d) To draft and update the personnel training technical standards and manuals and to monitor their application;

(e) To upgrade the health workers service;

(f) To strengthen the local health systems by means of human resources training and development;

(g) To consolidate the information system on human resources training and development;

(h) To carry out research, in coordination with the education institutions, into the characteristics and prospects of the labour market for technical and professional staff.

269. Accordingly, in order to expand the cover of the basic urban services and distribute them fairly, it is necessary to establish a national network of centres providing services at four levels: regional, state, subregional and integrated rural. Priority attention will be given to medium-sized towns, for it is thus possible to increase the levels of social welfare at lower cost.

Question No. 5 (d)

270. In 1989 the potential cover of the health services extended to roughly 94 per cent of the total population: 54.6 per cent of the population covered had entitlements under a social security institution; 35.1 per cent had access to institutions providing services for the population at large; 4.3 per cent had permanent cover with private services; and 6 per cent had no easy access to the system's permanent facilities. In order to achieve total cover and improve the

situation in disadvantaged areas, the Mexican Social Security Institute has built 71 units at the first level and eight at the second, as well as upgrading and remodelling 47 medical units.

271. In addition, an institutional programme for the regionalization of services has been formulated with a view to ensuring better use of the installed capacity and a more balanced geographical distribution; this has meant modifying the distribution and organization of the medical units by zones, taking into account such factors as catchment areas, weather, time of travel and access to support facilities; better use has thus been made of resources consistent with patients' demands, and the institutional medical services have been brought closer to the patients.

272. In 1988 the country had 87,073 doctors, of whom 68.1 per cent worked in the social security system. The number of doctors per 1,000 inhabitants was 1.2 for the Mexican Social Security Institute, 1.3 for the Ministry of Health, and 1.2 for the Social Security and Services Institute for State Workers (ISSSTE). Although considerable progress has been made towards total cover, much unevenness still exists in the distribution of health services.

273. At the beginning of the decade the highest priority was given to the indigent population in rural areas and to mothers and children. However, demographic changes have added new groups to the list, and at present the most urgent health priority is the extremely poor population in both rural and urban areas. The expansion of the installed capacity of the health sector through investment programmes and increased operational capacity were regarded as prior conditions for the extension of the cover. However, the activities of the health sector designed to achieve a fairer distribution and the elimination of extreme poverty in rural and urban areas have not achieved the expected success in our country.

274. One of the successes of the National Development Plan has been the extension of the cover provided by primary health care services by updating the health care model for the population at large. In addition, under the cover extension strategy basic health services have been provided in 13,000 communities with fewer than 2,000 inhabitants. This meant that in 1991, 98 per cent of the rural settlements included in the strategy were covered. The recruitment of a large number of doctors and nursing staff having direct contact with their patients and the increase in the number of medical units demonstrate the concern of the Mexican Government to provide the necessary support to enable the population at large to have access to the health services.

Question No. 5 (e)

275. The general strategies are:

(a) To extend the cover and improve the quality of mother and child care;

(b) To design and introduce models of simplified care in rural communities for low-risk pregnancies and deliveries;

(c) To strengthen the measures for prevention of risks and damage to the health of mothers and children at the institutional level by promoting community participation and self-care;

(d) To promote coordination and collaboration among the public, social and private sectors.

276. The specific strategies are:

(a) To provide care during pregnancy, childbirth and puerperium with the focus on risk;

(b) To provide nutritional guidance and recommend breast-feeding at every prenatal consultation;

(c) To establish the committees for the study of maternity and perinatal mortality and ensure that they operate properly;

(d) To improve the mother and child services in hospitals by promoting the necessary measures to convert them into "mother and child friendly hospitals";

(e) To incorporate traditional midwives into a standard model within the National Health System;

(f) To advise and train women, teachers and fathers in mother and child care, especially women in view of their importance in the family, recognizing and supporting the vital role which they play in the household every day as providers of health;

(g) To create the machinery for monitoring the nutrition, growth and development of children under five;

(h) To promote joint activities with all the institutions of the National Health System and the social and private sectors in order to create and increase awareness of the value of the health of mothers and children and the use of preventive services.

Question No. 5 (f)

277. The Government of Mexico created the Ministry of Urban Development and Environment (SEDUE) in December 1982 in order to equip the Federal Government with an agency to deal with the problems of environmental pollution and degradation of natural resources. In 10 years SEDUE has created an operational structure for four areas: standards and regulations, prevention and control of environmental pollution, conservation of natural resources, and environmental improvement and community participation.

278. The importance which the current Government attaches to environmental problems can be seen in investment terms in the increased budget appropriations for the environment. Under the 1991 federal budget the various agencies of the federal public administration spent 370 million dollars on environmental protection measures; this did not include the environment budget of the Department of the Federal District. Between 1989 and 1991 the budget of the Environment Office of SEDUE increased by 613 per cent from 5.4 to 38.8 million dollars, and this has made it possible to strengthen the response capacity substantially and to meet more of the needs.

279. For the prevention and control of environmental pollution by industry inspection visits are made, operating licenses are granted, and regulations are issued to control the discharge of waste water into the main basins and bodies of water. In addition, 118 agreements have been signed with industries based in Mexico City, and in the states more than 396 letters of commitment have been signed with industry with a view to incorporating anti-pollution equipment and procedures in production processes. Under these commitments Mexican industry has allocated more than 170 million pesos for such measures.

Question No. 5 (g)

280. The measures taken by the Government to prevent, treat and control these diseases take the form of programmes, which will be described in greater detail below, and action strategies.

281. Immunization programme

(i) To give attention to the establishment of permanent vaccination facilities in clinics and health centres;

(ii) To step up the activities carried out in connection with national vaccination days and the expanded intensive phase of anti-measles vaccination;

(iii) To encourage the holding of state vaccination days and improve the monitoring and investigation of specific epidemic diseases.

282. Tuberculosis control programme

(i) To ensure that all the institutions in the National Health System participate in the programme's activities;

(ii) To ensure that control measures are carried out in good time and without charge;

(iii) To increase BCG vaccinations, particularly of new-born babies;

(iv) To revaccinate children who had the BCG vaccination during their first 12 months when they enter primary school;

(v) To increase the detection of cases of pulmonary tuberculosis by means of direct microscopy of the sputum of patients with symptomatic coughs who consult the health services, and immediately begin outpatient chemotherapy ;

(vi) To establish a coordination machinery for the various health services so that patients may receive supervised treatment in the medical unit of their choice;

(vii) To maintain a permanently updated information system within and among institutions;

(viii) To establish a permanent training system at the various levels of action.

283. Leprosy control programme

(i) To provide sufferers with multi-drug treatment for two years in order to eliminate sources of infection, cure the disease and prevent its transmission;

(ii) To ensure early diagnosis of new cases so that they may be treated before becoming sources of contagion;

(iii) To treat patients presenting a leprous reaction with thalidimide;

(iv) To carry out procedures to prevent, limit or correct disabilities and thus to avoid interruption or abandonment of treatment.

284. AIDS prevention and control programme

(i) To draw up, support and carry out the programmes of the National AIDS Prevention and Control Council;

(ii) To coordinate the activities of the offices and agencies of the federal public administration and to improve coordination with the institutions of the social and private sectors carrying out activities under the programmes;

(iii) To carry out all epidemiological monitoring activities;

(iv) To establish the necessary hospital infrastructure to ensure appropriate medical treatment of patients;

(v) To encourage the training and further training of the personnel carrying out the programme activities;

(vi) To promote and intensify scientific research into infection by the human immunodeficiency virus;

(vii) To ensure the proper sterilization of surgical instruments;

(viii) To train medical and paramedical staff in the recommended measures for prevention of transmission at the workplace;

(ix) To carry out education campaigns, including the production and distribution of illustrated and audiovisual materials to the public at large and to high-risk groups, and to distribute contraceptives to these groups;

(x) To draft legal rules applicable to the specific problems of the sexual transmission of the human immunodeficiency virus.

285. Malaria prevention and control programme

(i) To agree on commitments for action, coordination and financial support with the state and municipal governments;

(ii) To consolidate the decentralization and efficient implementation of the health districts programme;

(iii) To promote interagency and intersectoral coordination in all matters relating to implementation of the programme;

(iv) To promote personnel training;

(v) To enhance the health education activities.

286. Dengue control programme

(i) To strengthen the preventive control activities in the context of decentralization;

(ii) To establish a permanent health education programme in endemic areas;

(iii) To make maximum use of the existing health infrastructure and secure the support of state and municipal authorities and of the community at large.

287. Onchocerciasis control programme

(i) To establish the use of ivermectin in the treatment of patients suffering from onchocerciasis;

(ii) To use diethylcarbamazine when ivermectin is counterindicated;

(iii) To continue the removal of subcutaneous nodules;

(iv) To improve the socio-economic conditions in the affected areas by means of coordination with the sectors involved.

288. Chagas's disease control programme

(i) To engage the state and local health services in the study and treatment of this problem;

(ii) To ensure that the state and municipal governments provide financial support for the activities;

(iii) To educate the community about the disease, its means of transmission and the action which must be taken to improve its control.

289. Cutaneous leishmaniasis control programme

(i) To ensure that the state and local services are aware of the problem and play a part in its solution;

(ii) To train personnel in the clinical and laboratory diagnosis of the disease.

290. Occupational health programme

(i) To promote the distribution, updating and observance of the laws, regulations, instructions and technical standards relating to occupational health;

(ii) To encourage studies that will provide a better knowledge of the health effects of occupational risk factors;

(iii) To encourage the epidemiological monitoring of occupational risk factors.

291. Acute respiratory infections control programme

(i) To ensure that all health personnel working at the primary level can identify at the health units and in the community any patient presenting symptoms of an acute respiratory infection;

(ii) To refer to health units at the higher levels any patient presenting serious symptoms of an acute respiratory infection detected at the primary units;

(iii) To develop a programme of social communication to stimulate family participation in the treatment of patients suffering from acute respiratory infections and to emphasize the need for timely medical attention.

292. Diarrhoea prevention and control programme

(i) To train the population at large to help with the early diagnosis and proper treatment of diarrhoeic diseases;

(ii) To distribute the programme's manual of procedures to the health services.

293. Programme for the prevention and control of sexually transmitted diseases

(i) To give attention to the most vulnerable groups, mainly women;

(ii) To develop the programme at the primary level of treatment;

(iii) To establish interagency coordination in order not to lose track of patients and ensure that contacts are treated;

(iv) To use the information provided in connection with AIDS in order to prevent its transmission by sexual means;

(v) To provide free supervised treatment for all patients.

294. Human rabies control programme

(i) To provide medical treatment and specific prevention measures (post-exposure) to persons who have been attacked by or have had contact with rabid animals and persons suspected of having the disease;

(ii) To strengthen control of the sources of infection by mass free vaccination of dogs (pre-exposure), capturing and destroying street dogs, and clinical observation and laboratory diagnosis of aggressive animals, as well as providing education and ensuring community participation and personnel training.

295. Brucellosis control programme

(i) To improve the machinery for coordination between the Department of Health and the Department of Agriculture and Water Resources in order to improve the local diagnosis of the disease and draw up and implement a national control programme;

(ii) To improve as far as possible the people's standards of health education especially among high-risk groups;

(iii) To intensify the public health and hygiene control of milk production and all dairy animals and of meat and its derivatives;

(iv) To promote the training of medical and paramedical personnel;

(v) To improve the coordination meetings, and the reciprocal support and participation of the institutions of the National Health System with a view to control of this disease;

(vi) To treat and monitor cases of human brucellosis in the medical services.

296. Scorpion bite control programme

(i) To ensure that all the health services have supplies of anti-scorpion-bite serum and can carry out the necessary procedures;

(ii) To improve the specific education meetings on self-treatment, especially among children;

(iii) To encourage the improvement of housing and use of personal protection measures;

(v) To spray dwellings in the most affected areas with residual insecticides.

Question No. 5 (h)

297. The broader objective of health and welfare and social security policy remains the promotion of the health protection of all Mexicans through the provision of timely, effective, fair and humanitarian services and benefits which make a specific contribution to the improvement of their levels of social welfare, and through support of communities and the activities of government agencies as effective means of providing the necessary resources.

298. The general strategies governing activities in the sector are:

(a) To improve the quality of the service, correct social inequalities, modernize the health system, and decentralize and consolidate the coordination among the health services;

(b) To establish the structure, organization and functions of the sector and its constituent agencies and of the private sector;

(c) To establish and organize the community or "informal" system and its coordination with the "formal" institutional system;

(d) To establish machinery for monitoring and coordination of institutional targets and to identify the population groups to be covered (volume and structure of services) by each institution;

(e) To ensure the sectoral planning of the operational regionalization (levels of care, referrals, extent of cover, delivery of services) on the basis of an analysis for each institution of the accessibility of its services (geographical, functional, cultural and economic) to the total population.

Question No. 5 (i)

299. The morbidity rates, and therefore the mortality rates, for diphtheria, tetanus, pertussis, poliomyelitis, measles and tuberculosis have not been reduced to the proposed levels. However, the necessary efforts are being made in the Expanded Programme on Immunization to ensure that the programme is fully implemented, and the results should be seen within a few years. We are therefore confident that the impact of this group of diseases on the health of the vulnerable groups will be reduced to an acceptable level, with a consequent decline in mortality. It will be possible to implement the tuberculosis control measures by increasing the cover of the health services and, in particular, by improving the people's access to the services.

300. Diarrhoeic diseases, which are the main cause of morbidity and mortality among children, are related to problems of the physical and social environment and to malnutrition and food hygiene. Despite the obvious difficulty of tackling this problem at its roots, for that will require the cooperation of other sectors, it is hoped that proper practices will gradually be adopted for controlling these diseases. Oral rehydration therapy and improved environmental conditions have brought about a considerable reduction in the morbidity rates.

301. Acute respiratory diseases are still a problem with respect both to morbidity and mortality. The preventive measures which can be adopted will mean that within the next 20 years a figure of around five per cent of deaths may be achieved.

302. It is conceivable that with the use of new drugs the problem of leprosy may be considerably reduced over the next two decades.

303. Sexually transmitted diseases have become more of a problem in recent years. Control of these diseases is generally limited to urban areas, and there must be a number, although obviously a small one, of unknown cases. These diseases will warrant greater vigilance and efforts in the future.

304. The level of dengue has remained unchanged, perhaps through lack of laboratory facilities in the diagnostic service and proper control methods.

305. It may be expected that, given the Government's determination to provide proper laboratory facilities, Chagas's disease and leishmaniasis will be reduced over the next two decades.

306. A number of difficulties have been encountered in the case of malaria owing to the appearance of resistant strains of the vector insects and of the parasites. This situation is aggravating the administrative and operational problems of the programmes and has kept progress in check; it has therefore been possible to break the chain of infection in the case of only 75.3 per cent of the population instead of the target of 90 per cent.

307. The expected changes in transmissible diseases and the reduction of overall mortality are manifested in a large increase in life expectancy at birth. This is also having an impact on the age structure of the population, so that it is possible to envisage a considerable increase in the population groups most at risk of disease.

308. Expansion of the cover of the health systems: a few years ago 40 per cent of the population did not have access to any kind of health care service. However, with the expansion of the basic services on the basis of the size of the human settlements and their concentration or dispersal, the proportion of the population unprovided with services has been reduced.

309. Priority groups: marginalized urban groups, especially in the big towns where they are crowded together in suburban belts, have gained in importance as the process of extending the cover of services has developed.

Question No. 6

310. The National Institute for Old Age (INSEN), which is a decentralized public agency with juridical personality and its own funding, has created a medical programme for old people under which doctors providing services receive only a standard fee. The amount of the standard fee for a consultation with a specialist is 4,000 pesos (equivalent to about 1.25 dollars), and when the person requesting the service cannot pay for it, the fee is waived. In addition, the Institute's volunteer corps deliver the drugs prescribed by the INSEN doctors to the most needy old people at cost price or free of charge when warranted. The elderly also have access to the government medical services described in this report. The Ministry of Health can provide medical services at costs as low as those of INSEN and for the population at large, not just for the elderly.

Question No. 7

311. The Solidarity Programme includes health and social security projects. The programme began in 1989 with an investment of 34.5 thousand million pesos for the construction and/or equipment of 479 primary level medical centres or units, including 323 rural medical units under the IMSS-COPLAMAR programme, which was allocated 21.4 thousand million pesos for the construction and refurbishment of 21 hospitals, and 39.8 thousand million pesos for the upkeep and maintenance of 429 clinics, medical centres and laboratories.

312. Sixty per cent of the primary level medical units are located in the States of Tlaxcala, Oaxaca and Veracruz. Tlaxcala with five and Baja California, Baja California Sur, Durango and Nuevo León with three each, took 17 of the 21 hospitals planned. A little over 50 per cent of the funds allocated for upkeep and maintenance will be allocated to Baja California Sur, Jalisco, Michoacán and Nuevo León. There are 931 projects planned under the Solidarity Programme during the term of office of the present Government.

Question No 8

313. The Ministry of Health and other elements of the National Health System are carrying out education campaigns in the communications media concerning prevention and control of common health problems. The mass communications media such as television and radio are required to offer free air time to the government agencies which request it. The Ministry of Health includes in the daily programmes of these media messages concerning the prevention and control of respiratory and diarrhoeic diseases.

314. The National Health System has stepped up its activities in the area of prevention and control of diarrhoeic diseases. An interministerial committee has been established to coordinate and speed up action in the fields of water supply and sanitation, health education, urban and rural infrastructure, and food hygiene. The education campaign is designed to prevent the spread of cholera. The health sector has upgraded the capacity of medical unit laboratories to identify the bacterium, for this is the first time this century that Mexico has had to deal with this disease.

Question No. 9

315. The National Health Programme 1990-1994 reflects the strategies which the World Health Organization recommends member countries to pursue. These strategies are adapted to the particular situation of Mexico and form the basis for exercise by the Mexican people of its right to health. We also acknowledge the invaluable assistance of Rotary International in supplying poliomyelitis vaccine and in carrying out the social mobilization strategy.

Article 13 of the Covenant - Right to education

Question No. 1 (a)

316. The Government provides free general primary education in schools with teachers graduated from teacher-training institutions, in accordance with the plan and curricula for the six grades of the primary level. For the purposes of promotion to the next grade, pupils receive credits for completing each grade and they are awarded a certificate on completion of the full primary course. Some 60 per cent of pupils enrolling in the national education system and over 66 per cent enrolling at the basic level complete the primary course; this means that 14.4 million pupils aged six to 14 are catered for at the various levels (see annex 18).

317. In urban areas general primary education is organized in groups of pupils of the same grade who are taught by a fully qualified teacher and have the use of free textbooks. In rural areas, owing to the shortage of teachers in remote districts of difficult access, the groups have pupils of different grades. Free textbooks are not therefore enough, and teaching aids tailored to the

needs of multi-grade groups must be supplied, and the teachers must be trained in their use.

318. In rural areas where the demand amounts to no more than 20 pupils aged six to 14, agreements are drawn up with the municipalities for the organization of community courses based on a three-level model and these courses are taught simultaneously by an instructor who has completed secondary education and receives intensive prior training and regular advice in his teaching work. The teaching programme is based on the community instructors' manual, and free textbooks and other teaching aids are provided.

319. In addition, indigenous education centres have been created and expanded for children aged six to 14 belonging to the various races of our country; these centres are staffed by instructors who have completed secondary education and who receive training for two months before taking up their posts and regular advice. The teaching-learning process in indigenous schools requires special teaching aids, in addition to free textbooks, to ensure that the pupils achieve the objectives of primary education.

Question No. 1 (b)

320. Article 3, section VII, of the Constitution states: "All education provided by the State shall be free". The Mexican State maintains 88 per cent of secondary schools, which are attended by 4,190,200 pupils representing 92 per cent of the total enrollment. The remaining 12 per cent of schools is privately maintained. In terms of access, secondary education is provided for 82 per cent of the real demand in secondary schools, workers' schools, technical secondary schools and extramural secondary schools; these schools are located, depending on their type, in different socio-economic areas, thus providing an opportunity for all Mexicans who wish to do so to have access to this level of education in their place of residence.

Question No. 1 (c)

321. The payment of fees for higher education is not an obstacle for Mexico's people. In higher education 83 per cent of the enrollment is in public institutions, in which the fees charged to the students range from 10 cents to 500 dollars a year. However, the real average cost of a student covered basically with government funding is 1,500 dollars a year. For more than five decades access to higher education in Mexico has been truly democratic and available to all. There were even periods when the aptitude and qualification requirements were very low. Although the required standards for admission to higher education have been raised, it has never been necessary to introduce any anti-discrimination measures.

Question No. 1 (d)

322. With a view to increasing the available options, differentiated teaching models have been introduced in order to cater for pupils with needs differing from those of normal primary pupils. Leaving aside adult education, the accelerated school attendance service for primary 9-14 (SEAP 9-14) operates according to a flexible model designed for urban children who have dropped out of school or were never enrolled and have joined the labour market prematurely and cannot attend school during the regular hours or for six years. Under SEAP 9-14 the pupils have an opportunity to complete the primary course in three years under a qualified teacher with special back-ups and a specific system of credits.

323. With regard to the education of children and young people with disabilities, there are services dealing with hearing, speech, visual and neuromotor disorders, learning disabilities, language problems or mental disability; these services thus provide dual therapy in language and learning. Of course, the pupils concerned are first diagnosed and referred to the right service.

324. Special primary education has a physical, technical and human resources infrastructure which can provide the different approaches necessary for dealing

with pupils in this kind of school. The personnel of special education schools and psycho-pedagogic centres have university or teacher-training qualifications in their speciality. It is thus possible to provide individual or group teaching. In the case of hearing, speech, visual or neuromotor disorders, the groups consist of eight or nine children. In the case of mental disability, there are 15 to 18 pupils per group.

Question No. 2

325. Access to the first grade is still not available to everyone. There are at present about 225,000 children denied the opportunity of attending school, in particular in rural and indigenous areas. For the school year 1990-1991 the total cover was 57 per cent at the national level, and this lays down the challenge of ensuring school attendance for the remaining 43 per cent. The repeated-year rate was over 10 per cent and the drop-out rate over five per cent. The problem of repeated years and drop-outs is most acute in the first three grades of primary education and in the most remote rural and indigenous regions. However, the preventive and corrective services for these grades cover only a little over 10 per cent of the enrollment and are located mainly in urban areas. Remedial help is available to only four per cent of the pupils needing it. In about 20 per cent of the State schools, mainly rural and indigenous, the pupils do not have the opportunity of completing the six grades, and about 23 per cent of them have only one teacher.

326. A follow-up study of primary pupils of the 1984-1990 generation shows that, at the national level, in the indigenous education subsystem only 23 per cent of pupils completed the six grades. The pupils in this subsystem are frequently absent from school owing to external factors such as the agricultural work cycle - in which they are involved - and their precarious economic conditions which present profiles of malnutrition and disease.

327. The internal factors include difficulties in teaching reading and writing in indigenous languages and in Spanish owing to the wide variety of tongues spoken in the communities, the lack of training and refresher courses available to the teaching staff, and the constraints on the proper and timely distribution of back-up materials (books, furniture, teaching materials, etc.). In addition, the physical infrastructure resources of the education services suffer from a broad array of defects, especially in the more remote communities.

328. The effort to provide primary education, which is a constitutional mandate, even in the most scattered and remote settlements has led to the strengthening of community courses conducted under the auspices of the State and the supervision of a community committee. In conjunction with the teacher this committee is responsible for organizing the courses on the basis of a census of the number of potential pupils, their ages and previous school experience and their degree of literacy.

329. In addition, the migrant children service, provided for the children of farm workers who have to travel from one place to another one or more times during the school year, is mainly concerned with providing a monitoring, assessment and accreditation machinery tailored to the possibilities of school attendance by these children in two or more different but previously specified places, even separated by a national frontier.

330. In order to tackle within the education system the causes of underachievement, the possibilities of additional help, both preventive and remedial, are being strengthened and increased; welfare services are also available to help. Priority has been given in this area to the service responsible for attainment of the learning targets in writing and mathematics. These targets have been set in response to the need to reduce the repeated-year and drop-out rates, especially in the first two grades of primary education.

331. The methodologies in question are based on a knowledge of the psycho-genetic processes of Mexican children. The teacher provides the lessons using different activities suited to the children's capacity to conceptualize, so that they are able to build up their knowledge on the basis of what they

already know. The regular teachers in the first and second grades receive continuous training and advice in the content and attainment of the targets, with the support of manuals, files of suggested activities and assessment guidelines.

332. The alternatives available to pupils who have to repeat grades include an arrangement in the first two grades (also available in the rest of the primary course, although to a lesser extent). On the one hand, individual attention is given to certain pupils with minor learning problems outside the normal school hours. On the other hand, guidance is given to parents and teachers to enable them to help those children who can begin to make progress with only a little assistance. This service is backed up with printed materials.

333. Despite the preventive measures, the number of repeated years in the first grade is very high. Therefore, on the basis of the new knowledge about the development process of Mexican children, a remediation scheme has been designed and introduced; it is known as "segundo de nivelación". The pupils who cannot be graduated from first grade are tested and placed in one of five categories depending on their ability to conceptualize, chronological age and non-attainment history: those who should be promoted, those who should repeat the grade, those who should be referred to special schools, those who should join integrated groups (see para. 334), and those who should join the segundo de nivelación scheme. These latter pupils are put in groups of approximately 15, at the level of school district. Regular teachers are trained and advised in the special teaching methods: various activities are suggested which, with the use of standard free textbooks, enable the pupils to make up the lost ground in the first grade and take the second-grade lessons. In this way, the pupils return to their proper grade in only one school year, and in the following school term they can join a regular group.

334. The integrated groups provide an alternative approach for pupils with simple learning problems who are required to repeat the first grade one or more times. These groups are accommodated in regular schools and are made up of pupils from the school itself and/or from several neighbouring schools. In addition to their group teacher, the pupils have the support of a team consisting of social workers, psychologists and speech therapists. The methodology used in these groups is based on psycho-genetic theory; the activities are designed to promote development. At the end of the course, if the pupils have attained the main first-grade targets, they return to normal classes in the second grade.

335. From the third to sixth grades remedial services are also available for children lagging behind their proper grade. When a child is older than the age of the grade in which he is to be taught and his level of development is sufficient for him to complete two grades in a single school year, he is placed in a group of about 15 pupils in a similar position.

336. As under the segundo de nivelación scheme, regular teachers receive training and guidance in teaching these groups. They are also provided with manuals containing suggested activities requiring only the back-up of the free textbooks and conventional teaching materials. From time to time, special workbooks are designed and distributed to the pupils, but they are not essential and may be done without.

337. With a view to bringing special education closer to the community, the demand is identified in good time and the periods of special teaching are reduced. The model is being restructured in order to provide three education options. The most simple one is to place pupils with minor hearing, visual or neuromotor disorders in regular groups, although in the case of children with neuromotor problems this means adapting the premises. Under the other two options the educational integration model holds that specialized staff should provide the teaching in a specially adapted classroom in a regular school. Under one option, children with learning, behaviour or speech problems are taught in joint groups. Under the other, special groups are created for children with hearing, visual or neuromotor disorders or with mental disability.

338. The 1990-1994 programme for the modernization of indigenous education envisages a series of actions to tackle the difficulties and challenges of this subsystem, including proposals for dealing with the problems of repeated years, drop-outs and backwardness: multi-grade group teaching; work in physical education and art, and on environment, health and population issues; production of bilingual texts for use in the basic education curriculum; teaching methodologies for children with special needs; establishment of community language workshops with the involvement of teachers and parents; training and refresher courses for teachers covering psycho-pedagogic methods of teaching indigenous children; and reduction of teacher turnover by means of special salary allowances. The overall strategy remains the study of elements which may enhance the design of a basic education curriculum for indigenous children which will be increasingly better adapted to the needs of the pupils' integrated development.

Question No. 3

339. In 1970 74.2 per cent of the population was literate, in 1980 82.9 per cent, and in 1990 87.4 per cent. Full statistics are provided by federal state and age, reading and writing ability, and sex. In 1991 the National Adult Education Institute (INEA) provided literacy help for 319,000 adults under the new teaching model and for 671,000 under the traditional model. The cover of the literacy service for the indigenous population was expanded to 26 races, for whom bilingual materials were produced and used in the teaching of approximately 33,000 children aged 10 to 14. The primary education service for adults helped 1.4 million persons, and the secondary service 91,100. As can be seen from annex 19, the literacy activities of the Government of Mexico have had positive effects in the last 20 years, securing a 13.2 per cent increase in the literacy rate and reducing the number of pupils per teacher, all of which has been reflected in better quality education. The same tables show the graduation and drop-out rates at all levels of education.

Question No. 4

340. In 1991 the education budget amounted to 36 billion pesos. Annex 20 shows the federal, state and private shares in education spending from 1982 to 1992.

341. The national education system consists of elementary, secondary and higher levels which operate on an in-school and extramural basis. The law requires all public education to be free. Elementary education is provided at the preschool and primary levels. Primary education begins at age six throughout the country and is compulsory for all children aged six to 14. Preschool education is available to children aged four and five but is not a requirement for entry to primary school. These two levels are provided in schools funded mainly by the Federal Government, the state governments and private bodies; private schools charge fees which must be paid by the parents and they do not receive any government subsidy. Nursery education is available for children up to age three and uses special programmes for the physical and educational development of infants.

342. The Board of Management of the Federal School Construction Programme (CAPFCE) was created in the 1940s and has been operating for more than 50 years. CAPFCE has offices in all the federal states and, in coordination with the state government and the state office of the Ministry of Public Education, it assesses on the spot the need for construction or adaptation of such facilities as classrooms, laboratories and annexes. CAPFCE is currently carrying out a programme for the improvement of schools in marginalized rural and urban areas with funding from the World Bank. In addition, as a matter of priority and using its own resources, it is building schools in rural areas in sites close to the pupil demand. In 1989 CAPFCE built or rebuilt 26,800 schools or facilities; in 1990 24,000; in 1991 24,200; and 23,000 projects were planned for 1992. In 1990-1991 there were 159,968 schools, 1,113,495 teachers and 25,091,966 pupils. More detailed information will be found in annex 20A.

Question No. 5 (a)

343. In 1990-1991 the total enrollment in the preschool programme was 2,734,054: 1,372,013 boys and 1,262,041 girls; 1,834,794 in urban areas and 889,260 in rural areas. Enrollment in primary education totalled 14,401,588: 7,412,155 boys and 6,989,433 girls; 9,267,321 in urban areas and 5,134,267 in rural areas. Enrollment in secondary education totalled 4,190,190: 2,148,705 boys and 2,041,485 girls; 3,529,349 in urban areas and 660,841 in rural areas. According to the 1990 general population and housing census, 1,932,173 men and 1,273,403 women had completed some grade of higher education.

Question No. 5 (b)

344. The particularly vulnerable and disadvantaged groups are indigenous people and the disabled, and young people in marginalized urban and rural areas. In preschool education support was continued for the project on alternative methods in preschool education designed to cater for children in remote settlements in 27 federal states and using young graduates from secondary and higher education who are given special training.

345. In order to provide primary education in remote communities of difficult access a thousand community instructors were recruited to work in rural and indigenous areas; the state governments continued to participate in this scheme, and the services provided by private bodies were expanded. Among the various modalities of secondary education the extramural method is particularly important because it makes the service available to young people in marginalized rural and urban areas.

346. In bilingual and bicultural primary eduction an evaluation was made of the project on education in one-, two- and three-teacher schools and in schools not teaching the full number of grades. In 1991 302 schools were expanded to teach the six grades, 1,999 one-teacher schools became two - or three - teacher, and 213 one-teacher schools were established. As a result of these actions the percentages of primary drop-outs and repeated years were 5.3 and 10.1 respectively, and the completion rate was 56.4 per cent.

347. Nursery schooling caters for the educational and socio-economic needs of children aged up to five on request. In the 1991-1992 school year formal nursery education was provided for 158,671 children in 1,350 schools. The steps taken to expand the cover, mainly in marginalized and indigenous rural and urban areas, included the technical and financial cooperation agreements signed with UNICEF and the Bernard Van Leer Foundation, the "Indigenous Child" projects operated in 75 communities in Oaxaca, Chiapas, Guerrero, Hidalgo and Michoacán, the "Refugee Child" project operated in Chiapas, Campeche and Quintana Roo, and the creation of a new modality with the establishment of 16 community infant centres in the Federal District which take children aged two to four of working mothers who do not receive work-related welfare benefits. Through the training of 150,000 parents this service was made available in its informal modality to 312,000 children.

348. In the 1991-1992 school year special education was provided for 206,179 persons with physical or mental disabilities or to children of outstanding ability. With a view to expanding the special education service, several projects were carried out in order to identify potential recipients in marginalized and indigenous rural and urban areas, using trained bilingual education workers and outlying units in rural and semi-urban areas and establishing the "pequeño-barrio" programme which is designed to make the people more aware of the need for atypical persons to receive special attention.

349. According to the statistics on primary education by modality, in 1990-1991 urban dwellers provided 54.3 per cent of the total population covered by this question and rural dwellers provided 31 per cent; the most disadvantaged groups represented 3 per cent in indigenous areas, 0.5 per cent in community courses and 0.3 per cent in special education. Children belonging to ethnic minorities are included under indigenous education. Further details will be found in the eighth periodic report of Mexico submitted by the Government to the Committee on the Elimination of Racial Discrimination (CERD/C/194/Add.1, paras. 127-157). See also annex 21 on primary education by modality 1990-1991.

Question No. 5 (c)

350. We would draw attention to two assistance services designed for small settlements in rural or indigenous areas: school hostels; and special assignment allowances for bilingual education workers and for teachers in one- and two-teacher schools. The hostels provide board and lodging for children from remote communities attending a school in a place which has the necessary facilities. The incentives offered to teachers to encourage them to take up residence in such communities are designed to secure a commitment to the pupils, for it has been shown that if the teacher is not a permanent local resident truancy increases, with a consequent impact on the incidence of repeated years and drop-outs. The National Solidarity Programme has directed a large part of its support activities to marginalized communities, especially indigenous ones, with emphasis on school building and the award of maintenance grants for children at the elementary level.

351. From another perspective, a project for the improvement of primary education is being introduced; the aim is to encourage pupils aged six to 14 in areas with high rates of repeated years and drop-outs to remain in the formal education system. A start will be made in the region which has seen fewest of the benefits of development and is classified as the most disadvantaged from the educational standpoint.

352. Four states in which two thirds of the population is rural were selected. The project will operate in schools in rural areas in its three modalities: general primary, indigenous and community. This project has various components, all designed to provide back-up and tackle from within the education system the endogenous factors which influence it. These components are: provision of teaching resources; training and further training of teachers and managers; distribution of free textbooks, teaching resources, furniture and equipment; incentives for teachers; and information and evaluation systems.

353. According to article 48 of the Federal Education Act, in Mexico "the country's inhabitants are entitled to equal opportunities of access to the national education system, the only restriction being that they must satisfy the requirements specified in the relevant legislation"; this means that all Mexicans have the same right to education at every level without distinction as to race, belief or social status.

354. With regard to other kinds of measure which guarantee equal access to secondary education, the Ministry of Public Education operates a system of scholarships which provides cash grants for the more outstanding pupils in the various secondary institutions. These scholarships are awarded to pupils on the basis of the following criteria:

(a) A minimum final average mark of eight in the immediately preceding school cycle;

(b) Precarious economic situation;

(c) Candidacy proposed by the technical council of the school which the pupil attends.

Using these same criteria privately maintained secondary schools award scholarships to five per cent of their total enrollment. Payment of tuition fees is waived for scholarship-holders.

355. In addition, agreements are being concluded with various institutions involved in the training of young people with a view to providing incentives for pupils to complete or continue their studies in the form of payment of tuition fees, purchase of materials or payment for attendance.

Question No. 5 (d)

356. The indigenous languages in which teaching is provided are listed in annex 21A. In addition, 80 school textbooks have been published, together with the teachers' manuals, for the teaching of reading and writing in 36 indigenous

languages. Teaching materials are currently being prepared for the curricula of primary grades three to six in eight indigenous languages.

Question No. 6

357. Within the national education system the qualification of maestro is obtained at the level of higher education, while graduates from the secondary teacher-training institutions (normales superiores) receive the qualification of licenciatura, with seven years of study after completing the basic education cycle: three years at the bachillerato or equivalent level and four years of professional training in the sciences, the humanities and teaching.

358. Secondary teachers are paid in accordance with the hours of work specified in their contract. This salary is based on objective criteria determined by agreement between the Ministry of Public Education and the National Union of Education Workers. Graduates taking up their first appointment as secondary teachers receive a set initial salary.

359. Teachers are promoted in accordance with a step system operated by the Ministry through the Joint National Promotions Board, which includes representatives of the Ministry itself and the teachers' unions. The following factors are taken into account in the promotion of teaching staff:

(a) Knowledge: vocational training and further training;

(b) Aptitude: initiative, industry and efficiency;

(c) Seniority: length of service within the federal system;

(d) Discipline and punctuality: performance records are kept.

360. With regard to the measures taken to improve teachers' living conditions, the 1989-1994 education modernization programme includes among its policies the improvement of the living standards of teachers, providing them with fair remuneration for their work in conditions which enhance it. For the past 35 months under the present administration teachers' salaries have risen by 151 per cent and will continue to rise up to professional levels.

Question No. 7

361. Secondary education in Mexico is designed to provide comprehensive training and it includes both secondary education itself and the bachillerato. Only 12 per cent of the non-State secondary schools are run privately by sponsorship bodies, associations or physical persons. In order to offer teaching at this level with official recognition, private secondary schools must obtain the express authorization of the State by complying with the principles specified in article 3 of the Constitution of the United Mexican States and with the corresponding administrative and teaching regulations.

362. The ratio of public to private education in Mexico is determined on the basis of student population and number of schools. Private education has 17 per cent of the enrolled pupils. There are six or seven private schools for every State school. The small pupil rolls and irregular development of private schools are obvious. Access to non-State schools is not restricted and depends simply on the wishes of the persons concerned. The establishment of non-State schools is governed by regulations agreed with the representatives of the private sector themselves on the basis of the provisions of the Federal Education Act.

Question No. 8

363. It is believed that no changes affecting the right to education have taken place.

Question No. 9

364. The answer is given under question No. 5 (b) (see paras. 344-349).

Article 14 of the Covenant - Compulsory and free primary education

Sole question

365. Primary education is compulsory and free in Mexico, and the current education programmes envisage making secondary education compulsory during the term of office of the present Government.

Article 15 of the Covenant - Right to participate in cultural life and enjoy the benefits of scientific progress and the protection of copyright

Question No. 1 (a)

366. Use is made of the resources of the agencies and organs mentioned in the following paragraphs and activities are coordinated with other units of the federal public administration, with the state and municipal governments, with academic institutions throughout the country and with organized social groups, including private groups. The National Council for Culture and the Arts (CNCA) coordinates various strategic projects with its own funding. Here it is worth mentioning the National Fund for Culture and the Arts, the National Commission for Preservation of the Cultural Heritage, the Public Library of Mexico, etc. In the 1991-1992 academic year the National Fund for Culture and the Arts, whose purpose is to foster artistic creativity, received 1,200 applications and awarded 125 fellowships and cash grants totalling 4,294 million pesos to people engaged in the arts and to intellectuals, groups, companies and associations.

Question No. 1 (b)

367. CNCA was established on 7 December 1988 by presidential decree as an administrative organ under the Ministry of Public Education and it exercises the Ministry's powers in the area of preservation, promotion and dissemination of culture and the arts. CNCA includes among its administrative units the departments of libraries, publications, popular culture, cultural promotion, and administration, and the frontiers cultural programme, as well as the social communication unit. It also coordinates independent administrative organs such as the National Anthropology and History Institute, the National Institute of Fine Arts and Literature, and Radio Educación. In addition, it is responsible for coordinating a variety of independent bodies, public trusts and State enterprises, such as the Mexican Cinematographic Institute and its subsidiaries, the Economic Culture Fund and its subsidiaries, the National Fund for Promotion of Handicrafts, the operating company of the Cultural and Touristic Centre of Tijuana, Educal and the International Cervantes Festival.

368. In order to encourage the reading habit among the people, in 1990-1991 121 public libraries were established, bringing the total number up to 3,751, and 253 books were published with a total printing of almost 1.7 million copies, which were distributed throughout the national network of public libraries as well as being placed on sale. For the second year in succession the CNCA publishing output exceeded the usual total of three million copies. In addition, CNCA offers a free cultural videotape service through the public libraries and video clubs, which are stocked with video recordings to which the Council holds the rights.

369. In its support of ethnic culture the National Fund for Promotion of Handicrafts provided advice to cooperatives and purchased handicraft items valued at more than 5,205 million pesos from 21,500 craftsmen.

Question No. 1 (c)

National Centre for Culture and the Arts

370. CNCA operates programmes for the decentralization of cultural services, culture for young people, culture for workers, culture and science, culture and tourism, special projects and cultural exchanges, occupational training of

workers in the area of culture, special historical events and projects, museums, cultural handicrafts, and audiovisual productions. Through 17 regional units in 13 states CNCA promotes the dissemination and preservation of popular culture under 81 operating projects. The frontiers cultural programme convened meetings in the northern and southern frontier states with a view to drawing up programmes for the promotion, dissemination and preservation of their cultures. As part of its support for the production of cultural television programmes CNCA took part in the cultural television encounter for Latin America and the Caribbean and in the political-cultural audiovisual consultation meetings for Latin America and the Caribbean.

Question No. 1 (d)

371. CNCA supports research into ways of effectively putting its message across to all Mexicans and ensuring the proper preservation of their cultures. Mexico is a plural nation par excellence, and its culture is perceived as a mosaic of regional and local creations which must be preserved and enriched. It is not strictly accurate to speak of cultural decentralization. However, there are groups and areas in the country with enormous deficiencies and needs which receive no attention with regard both to access to cultural goods and services and to the lack of stimulation. It should be noted that a marked centralism has prevailed in the cultural policy of the Mexican State.

372. In recent years the efforts of the Federation and the increasing participation of state and local authorities have secured a broader and more equitable distribution of the opportunities offered by the Mexican State in the field of culture and the arts. Despite these advances, there is no doubt that the goods and services provided by the public sector as means of encouraging creativity and preserving and disseminating the historical and artistic heritage are still concentrated geographically in the big towns and, even there, they do not reach large numbers of the community. One method of fostering culture among the indigenous peoples is to to purchase their handicrafts, as described in paragraph 369.

Question No. 7 (e)

373. From April 1991 the Ministry of Public Education, through the National Polytechnic Institute, took charge of the technical operation of channel 11 of the television broadcasting system (the culture channel) established by the Federal Government, which can reach a potential audience of 12.8 million. In order to disseminate culture by radio and television, 1,270 cultural, educational and recreational programmes were produced and transmitted; channel 11 produced 3,056 programmes and transmitted 6,269 programme hours, and channel 13 transmitted 13 promotional programmes.

374. It must be emphasized that CNCA is responsible for establishing cultural criteria for the output of the film, radio, television and publishing industries. It also has responsibilities for the programming of Mexico's radio and television institutes.

Question No. 1 (f)

375. Given the wealth of the archeological, historical and artistic heritage of the Nation, it is not yet possible to regard as sufficient the important efforts made for more than 50 years by the Mexican State and a number of organized social groups to research, present and disseminate this heritage. The constraints on the public sector prevent it from performing more than a part of this task. For example, the National Anthropology and History Institute (INAH) is responsible for 155 archeological sites open to the public, 99 national, regional and local museums, and 105 historical monuments, as well as working on the research, preservation and dissemination of the cultural heritage. But the extent of this heritage is vast: an estimated 14,505 archeological sites and 60,000 listed historical monuments.

376. The requirements in respect of the dissemination of the cultural heritage are also enormous. It is necessary to achieve the full integration of the national network of museums, to design permanent programmes and assign

increased resources for the efficient maintenance of the archeological sites open to the public and the museums, and to strengthen the education and training role of the museums and transform them into living spaces of cultural communication and recreation.

377. In the present situation it is essential to make more efficient use of the public sector resources available for these purposes - in accordance with clear priorities and criteria of efficiency - and to secure greater institutional decentralization. However, it is also necessary to establish new arrangements for the participation of society in this work and for the coordination of efforts with local governments and municipal authorities.

Main activities

378. The implementation of this programme is basically the responsibility of INAH with respect to archeological and historical monuments, and of the National Institute of Fine Arts with respect to artistic monuments. The National Development Plan 1989-1994 specifies as one of the main objectives of the cultural policy of the Federal Government the protection and diffusion of the archeological, historical and artistic heritage. This is a vast asset whose preservation is beyond the capacity of the material, financial and human resources of the public sector. Moreover, the total restoration and recreation of this heritage, as an expression of the country's historical identity, demands a joint effort by the whole of society. The State, therefore, without ducking its own responsibilities, is encouraging broader participation by society in the joint tasks of rescue and preservation of this asset.

379. Special attention is given to the archeological sites which have undergone severe deterioration in recent years and, in general, to the 155 archeological sites open to the public. An effort is being made to equip the main sites with basic services units and systems of local maintenance by means of more efficient funding and management methods.

Preservation and restoration of historical sites.

380. In the same way, an intensive effort is being made to preserve and restore the sites of the country's historical monuments, especially the ones of colonial origin. In specific terms, new sites are to be listed (for example, San Luis Potosí, Zacatecas, Lagos de Moreno, Tlayacapan, Cuernavaca, Oaxaca, Jalapa, Córdoba, Matamoros, Texcoco, Morelia, Pátzcuaro, Coyoacán, etc.) with the establishment of master plans for restoration and maintenance which will guarantee adequate social use of the buildings in these urban centres. It is also the intention to complete the register of the country's estimated 60,000 historical monuments.

National Commission for the Preservation of the Cultural Heritage

381. The task requires a vast mobilization of society to tackle the need to preserve and safeguard the archeological, historical and artistic heritage of the Nation. The National Commission for the Preservation of the Cultural Heritage has been established in order to encourage such a mobilization; it is made up of leading figures in their respective bodies who have distinguished themselves in their work for the preservation of the cultural assets of every region and locality. Encouragement is also being given to the formation of sponsorship organizations and associations of friends of the existing museums in order to facilitate their maintenance and the acquisition of new exhibits. Intensive and systematic use is made of modern communications media for this purpose. Attention should be drawn to the work which has begun on the compilation of a comprehensive register of the country's cultural heritage.

Support for the preservation of the cultural heritage provided by the National Fund for Culture and the Arts

382. The National Fund for Culture and the Arts (FNCA) also supports specific projects for the preservation and restoration of archeological sites and historical monuments. These projects have been selected from a long list of archeological sites and colonial and artistic monuments which could be cared

for by private enterprise in close collaboration, with regard to programmes and standards, with the National Anthropology and History Institute and the National Institute of Fine Arts and Literature. The archeological sites at Teotihuacán and Palenque and historical monuments such as the Tepotzotlán monastery are receiving this kind of attention.

Question No. 1 (g)

383. Article 28 of the Constitution states:

> "The privileges granted for a specific time to authors and creative and performing artists for the production of their works shall not constitute monopolies, nor shall the privileges granted for the exclusive use of their inventions to inventors or persons who improve on an invention".

384. The Federal Copyright Act, which gives effect to article 28 of the Constitution quoted above, is designed to protect the rights which the Constitution accords to the author of any intellectual or artistic work and to safeguard the cultural assets of the Nation. The Act was revised by a decree published in the Diario Oficial of the Federation on 17 July 1991. The texts of articles 4 and 7 read:

> "Article 4. The rights accorded in article 2, section III, to the author of a work include the publication, reproduction, execution, representation, exhibition, adaptation and any other public use of the work which may be effected by any means depending on the nature of the work and in particular by the means specified in the international treaties and agreements to which Mexico is a party".
>
> "Article 7. Author's copyright shall be respected with regard to works classified under any of the following headings:
>
> (a) Literary
>
> (b) Scientific, technical or juridical
>
> (c) Pedagogical or instructive
>
> (d) Musical with or without lyrics
>
> (e) Dance, choreography, pantomime
>
> (f) Pictures, drawings, engravings and lithographs
>
> (g) Sculpture and plastic arts
>
> (h) Architecture
>
> (i) Photography, cinematography, audiovisual, radio and television
>
> (j) Computer programmes
>
> (k) Any other works which by analogy may be regarded as falling within the categories of artistic and intellectual works listed above".

Question No. 1 (h)

385. FNCA is working on the reorganization of vocational schools in all areas of the arts. In the theatre, music, dance and the plastic arts, curricula will have to be established with a view to the attainment of levels of excellence, and an effort will be made to ensure the permanent in-service training of the instructors, with due attention given to their conditions of work. The physical plant of the schools and their equipment will receive particular attention. The facilities and buildings must be refurbished and equipped with

better instruments. The intention, in short, is to strengthen the basic structure of artistic education in our country.

386. FNCA will also play a role of the highest importance in all areas of artistic creation. At the first stage its activities have consisted of the operation of a system of fellowships and cash grants at four specific levels which was unprecedented in the history of the country in terms of its volume and scope. In 1990 the Fund awarded 25 fellowships of 3.5 million pesos a month to recognized artistic and creative workers, 25 fellowships of two million pesos a month to interpreters and performers in the theatre, dance and music, 12 cash grants of up to 40 million pesos to support the production and diffusion of the work of groups and companies in various areas of the arts, and 50 fellowships of 1.5 million pesos for young people in the creative arts.

Promotion of the cultures of indigenous peoples

387. There is no national or institutional programme for the integrated promotion of the cultures of indigenous peoples. Some limited support, almost always discretional and concentrated on a few manifestations of indigenous cultures, is provided by various institutions including the National Indigenous Peoples Institute, the National Anthropology and History Institute, the Department of Popular Culture of the National Council for Culture and the Arts, the Department of Indigenous Education of the Ministry of Public Education, the National Fund for Promotion of Handicrafts and the National Adult Education Institute. Much more often the manifestations of indigenous cultures which receive ad hoc and occasional support are selected on the basis of their aesthetic impact, while the most profound and complex expressions of indigenous cultures receive no attention. The support provided is on a small scale and intermittent, and its impact is not evaluated. There is no coordination among the institutions providing support for indigenous cultures. In each such institution the amount of resources allocated for the promotion of indigenous cultures is very small and divorced from the central programmes.

388. There is no specialized institution for the recording, study and promotion of indigenous languages, which are of exceptional diversity in our country. As a result, there are no trained teams with the necessary back-up to promote the writing of indigenous languages and the production of relevant and suitable reading matter. The indigenous radio system, which broadcasts in 14 indigenous languages and has nine transmitters either already in operation or under installation, has played an important role in providing opportunities for the communication and promotion of indigenous languages. However, its range is still small in terms of the peoples and languages covered.

389. Furthermore, the indigenous peoples do not have access, or only very limited access, to the manifestations of culture which are promoted and supported by the State. And there is little reference to indigenous cultures in higher education. Fewer than 10 per cent of public universities teach an indigenous language. No higher education institution has a chair in such relevant subjects as indigenous agriculture or medicine. The indigenous cultures are preserved, transmitted and transformed by their own vigour and in accordance with their traditions, neglected by the State and with very limited contact with other expressions of culture, in particular with the so-called high culture, including the sciences; this is yet another example of inequality.

Question No. 2 (a)

390. Article 3 of the Constitution of the United Mexican States stipulates that the education provided by the State shall foster awareness of international solidarity in independence and justice and that the universities and other higher education institutions shall perform the functions of teaching, researching or disseminating culture in accordance with the principles set out in the Constitution. The decree amending article 3, section II, paragraph (c), published in the Diario Oficial of the Federation on 28 January 1992, reads as follows:

"Article 3.

> II. Such teaching shall take into account the results of scientific progress and combat ignorance and its effects, servitude, fanaticism and prejudice. Furthermore:
>
> (a) It shall contribute to better human coexistence both through the attitudes which it seeks to instil in the pupil, including an awareness of the dignity of the person and the integrity of the family and a commitment to the common interest of society, and through the care which it takes to sustain the ideals of the brotherhood and equality of rights of all mankind, rejecting privileges of race, religion, sex, groups or individuals".

In accordance with the Constitution, Mexico's education system is based on scientific progress and it is the principal means of disseminating scientific progress. The infrastructure established for this purpose includes the Ministry of Public Education and the National Science and Technology Council (CONACYT).

Question No. 2 (b)

391. For the purposes of diffusion of information on scientific progress, CONACYT publishes the bimonthly periodical Tecno Industria, which has a circulation of 10,000 copies, as a means of linking together research centres and enterprises with a view to developing a technological culture in economic, industrial and social activities. CONACYT also publishes the monthlies Ciencia y Desarrollo and Información Científica y Tecnológica, both with circulations of 30,000 copies, which report on advances in Mexico and in the world at large from a global perspective and on the impact of scientific and technological progress at the social and cultural levels.

Question No. 2 (c)

392. The legal foundation for measures to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human rights was established in the Constitution in the form of individual and collective guarantees. As already reported, the executive branch of the Federation created the National Human Rights Commission as a means of reaffirming these guarantees; this body is responsible for proposing and monitoring the implementation of national policy for the respect and protection of human rights.

Question No. 2 (d)

393. The restrictions on the right of everyone to enjoy the benefits of scientific progress and its applications are derived from the Industrial Property Promotion and Protection Act, which is described in detail in the answer to question No. 3.

Question No. 3

394. The Industrial Property Promotion and Protection Act, published in the Diario Oficial of the Federation on 27 June 1991, supplanted the Inventions and Trademarks Act, the Transfer of Technology Control and Registration Act, and the Patents and Trademarks Utilization Act and its Regulations; it is concerned amongst other purposes with the promotion of inventing and the application of inventions in industry, with technological improvements, and with the diffusion of technological know-how in the production sectors through the conclusion of cooperation, coordination or integration agreements, as the case may be, with Mexican or foreign public or private institutions; the Act also protects industrial property through the regulation of patents to inventions, and the registration of working models, industrial designs, commercial trademarks and descriptions, commercial names, denominations of origin and industrial secrets, in order to prevent injury to industrial property or unfair competition and to establish appropriate sanctions and penalties.

Question No. 4

395. The National Council for Culture and the Arts (CNCA) has the task of stimulating awareness among the population at large of the fact that scientific knowledge is an essential part of culture, introducing the concept of scientific culture into the cultural life of the various social groups, designing a training programme for population groups which may have a multiplier effect in their communities, promoting the values of science among the people, and persuading investors to increase the funds allocated to basic and applied research and the dissemination of science. For this purpose a programme to improve the use of the available infrastructure and human resources is being drawn up in conjunction with the Scientific Research Academy, the National Association of Universities and Institutes of Higher Education, the Science Advisory Council, the National Science and Technology Council, the Advanced Research and Studies Centre of the National Polytechnic Institute, and the Independent University of Mexico.

Question No. 4 (a)

396. The CNCA programme, which is designed basically for young men and women but also takes children into account, uses the mass communications media for the purposes of diffusion of science. One of the functions of the cultural section is to extend the cover of the federal radio and television systems and ensure their proper maintenance and the necessary renewal and modernization of their equipment and installations. These actions are essential if adequate productivity and competitiveness are to be achieved.

397. Efforts are made to ensure that the content of the programmes, particularly those aimed at children, young people and women, broadcast by the Federal Government, the state governments and public and private institutions and companies is designed to secure the broader participation of the audience in various social activities. The aim is also to improve programme content by giving priority to programmes about the cultural heritage, literature and music of Mexico and foster the creation of new forms and values of national culture.

398. An effort will be made at the regional level to upgrade the role of the state councils with regard to cultural radio and television programmes and to integrate the activities of local cultural radio and television stations. As part of its policy of encouraging cultural items in the audiovisual media, the Council will promote the production of artistic and cultural radio and television programmes and support talented people who seek to innovate in the area of cultural broadcasting. Any up-to-date proposal for using the audiovisual media to promote culture must take into account the importance of videotape technology in the establishment of limited communications networks and circuits.

399. CNCA will also introduce a programme of exchanges with Mexican and foreign public and private institutions of series of cultural programmes for the diffusion of scientific knowledge in order to increase the supply options and foster national and universal cultural values. As part of this effort a national videotape library will be established in order to maintain a stock of Mexican and international programmes of good technical quality and cultural importance.

Mexican Television Institute

400. The objective of the Institute is to establish cultural programming criteria and a balance between artistic and cultural values and financial stability. The sector's strategy is being reviewed in order to determine whether to assign different functions to the government networks and join forces to establish a decentralized network with local stations with their own production capacity in order to put out regional cultural and news programmes. Consideration is also being given to the possibilities offered by the Morelos satellites infrastructure for establishing a cultural television network (channel 11 is received only in the Federal District) to support the educational programmes and the diffusion of culture. Because of its strategic importance for the national interest, priority will be given to the technological and operational integration of the northern frontier system which

will provide a service with its own programmes and reaffirm the cultural identity of the region.

Mexican Radio Institute

401. In collaboration with the Mexican Radio Institute (IMER) CNCA is carrying out a project to upgrade the technology and programming of children's radio, with programmes designed basically for children and a reception area covering the Valle de México and the neighbouring states. These programmes will be rebroadcast by other transmitters of IMER itself and the private sector in other areas of the country. The Opus 94 classical music station will be expanded. Special emphasis will be given to the music of Mexican composers and performers and a programme of recordings will be initiated. Support will be given to the Estéreo Joven station, whose target audience is aged 14 to 24. In order to extend the reception area of its cultural programmes, CNCA provided IMER with the necessary equipment to broadcast by satellite. The highest priority is attached to the production of specifically cultural and educational programmes and to collaboration for these purposes with public bodies, higher education and scientific research institutions, and private enterprises and associations.

Radio Educación

402. This station has developed its own broadcasting style and has a large reception area, so that it can play an important role as a means of diffusion of culture. The objectives set by the present management include the strengthening of the station's role in the forefront of cultural broadcasting, the expansion and improvement of programme content, attraction of a larger audience, establishment of a responsive and effective news policy, and delivery of a contribution to the national debate on development prospects. As a result of the first stage of an exhaustive study of the profile of the station's current and potential audiences, eight areas have been identified for use as the basis of programming: essential needs, environment, public security and justice, education and culture, news, leisure and sports, health and emotional problems, and music. In short, the restructuring project is designed to expand and consolidate the impact of Radio Educación on broad sectors of the population which must be brought into the current process of change taking place in the country.

Audiovisual programmes unit

403. In order to extend the range of high-quality cultural programmes for television, the Council has been carrying out a project for audiovisual programmes on various topics. One of the tasks entrusted to the audiovisual programmes unit is to create a series of 13 programmes on the best Mexican rock music and a series of five programmes on the history of photography in Mexico from its origins to the present day; it has also begun a research project designed to bring together documentary, pictorial, newspaper and recorded materials and oral accounts for 26 programmes on the history of regional and urban music. To commemorate the fifth centenary of the meeting of two worlds, the audiovisual unit has planned a multimedia approach covering the general topics of the basic commemorative programme. In addition, videotaped materials are being prepared to provide information and comment on the broad range of everyday social activities which constitute culture. Using a very small number of reporters and researchers, this series is being produced in the form of modules which can be broadcast independently or incorporated in special programmes.

Question No. 4 (b)

404. Press, audiovisual and direct-contact events have been organized (conferences, seminars, courses, guided visits, children's activities, festivals) including the publication of collections of the works of Mexican and foreign scientists, and radio and television programmes for the diffusion of science; and activities aimed at the population at large have been organized by institutions involved in the development and diffusion of science. CNCA has also proposed the establishment of national agencies for the diffusion of

science and plans to create areas dedicated to scientific activity in various cultural centres, particularly in the houses of culture in the interior of the country.

Question No. 5 (a)

405. Article 3 of the Constitution states that the education provided by the State shall be based "on the results of scientific progress". The National Science and Technology Modernization Programme 1990-1994 established under the current National Development Plan accords high priority to the promotion of scientific and technological activities. These in brief are the regulations which guarantee the rights of Mexicans with regard to science and technology.

Question No. 5 (b)

406. CNCA has a programme for the strengthening of cultural cooperation among the countries of Latin America and encouraging the processes of regional integration. In August 1991 it took part in the first meeting of ministers of culture of Latin America and the Caribbean, which was held in Brasilia and attended by 18 countries. This meeting adopted the Declaration of Brasilia which states the objective of strengthening unity in Latin America and the Caribbean by means of culture and accords special importance to audiovisual media as an instrument of integration. The meeting also decided to establish a permanent forum of ministers and officials responsible for cultural policies in Latin America and the Caribbean so that they will be able to meet annually to adopt agreements and monitor the implementation of the commitments undertaken.

407. On this same subject, the Rio Group has made progress with its work for the cultural integration of the region, in particular the establishment of a common market of cultural property. The ministers of culture of the seven countries met for this purpose in Caracas in September 1991. They resolved to establish an institutional system for the implementation, monitoring and evaluation of the cultural projects agreed upon at the heads of State meetings of the permanent consultation and political coordination mechanism. They also agreed to recommend that their respective Governments should take action to ensure the free circulation of cultural property and services, including the adoption of the necessary legislation, the removal of tariff barriers and the establishment of preferential transport and mail tariffs.

408. The ministers of culture of the Rio Group decided that the first step towards regional cultural integration might be the establishment of a common market in Latin American books and they resolved to support the signature of the Cinematographic Integration Agreement and the Agreement for the Establishment of a Common Market. It was also decided at Caracas to establish a special programme for artistic and professional training by offering fellowships and setting up employment exchanges, encouraging the exchange of teachers and specialists in artistic and cultural matters, organizing meetings of Latin American artistic and creative professionals in various specialities, and signing an agreement on cooperation among State theatres, museums and cultural centres and on a number of cooperation projects concerning libraries and the protection of the cultural heritage.

409. In Lima in October the presidents of the countries members of the permanent consultation and coordination mechanism instructed their ministers of culture to take the necessary steps to carry out the programme of work drawn up in Caracas. In addition, at the eleventh meeting of the ministers of culture and officials responsible for cultural policies in Latin America and the Caribbean, held in Mar del Plata, Argentina, in January 1990, it was agreed to publish a special collection of Latin American and Caribbean works, to hold a meeting of Latin American musicians and composers, which took place in Morelia in August 1990 and was attended by Latin America's leading musicians, to organize in coordination with UNESCO a meeting on the preservation of the cultural and natural heritage, to establish a literature prize for Latin America and the Caribbean, and to develop a programme of children's and youth orchestras.

Question No. 5 (c)

410. According to the 1991 report on implementation of the National Development Plan, the National Science and Technology Council (CONACYT) spent 95,423 million pesos on 4,274 new and continuing fellowships and on the support of 127 postgraduate students, mainly in the areas of the pure and natural sciences, agriculture, health, engineering and technology. Progress was made with the consolidation of the national system of research workers (SNI) which is seen as a means of strengthening the linkage between teaching and research; the system supported the research activities of 6,440 scientists, 12.9 per cent more than in 1990, two per cent of whom work in private and the rest in public institutions. Cash incentives were also provided for members of SNI depending on their qualifications and the work being done. In order to upgrade the senior staff of 25 institutions, the fund for retention and repatriation of Mexican researchers brought back to Mexico 73 Mexican researchers and approved the applications of a further 97.

411. SNI is supporting the development of the scientific community in universities and research centres in the provinces by awarding an additional minimum salary to its members working in these institutions rather than in the Federal District. Greater participation by the private sector in scientific research and technological development is being encouraged by means of specific funds and programmes; at present 85 per cent of total spending under this heading comes from the public sector.

412. CONACYT is supporting the establishment and expansion of national data banks by channeling technical and economic assistance to the institutions concerned. In 1991 it continued to provide its advisory service to data banks and to 407 users with installed terminals, and established five data banks to bring the total to 28. In addition, through the network of information-technology services for research and development institutions and centres it improved the integration of information-technology services in support of the activities of the country's science and technology community.

413. The difficulties which in the past have affected the exercise of the freedom essential to scientific research and creative activity have been of a budgetary nature; the Federal Government has therefore gradually increased the budgetary resources under these headings and is encouraging greater participation by industry and society at large. In 1991 it provided appropriations of 2.891 billion pesos, 16.9 per cent more in real terms than in 1990.

Question No. 6 (a)

414. The National Development Plan 1989-1994 specifies and establishes the main policy directions for international technical cooperation activities. The chapter on foreign policy states the following guidelines for such activities:

(a) General objectives:

- To support the economic, political and social development of the country on the basis of increased participation by Mexico in world affairs;

- To support and promote all aspects of international cooperation as an essential means of enabling the community of nations to achieve higher levels of understanding and development.

(b) Specific proposals:

(i) For the first general objective:

- To increase cooperation and integration with the countries of Latin America, especially in cases where complementary arrangements will be possible;

- To promote bilateral and multilateral technical, scientific and cultural cooperation agreements to facilitate Mexico's access to new processes of organization and production;

- To bring Mexico closer to the new poles of world growth, especially with the Pacific basin and the European Community.

(ii) For the second general objective:

- To help to strengthen mulilateral bodies, especially those of a political or regional nature;

- To strengthen the subregional integration bodies, such as the Rio Group and the Group of Three;

- To foster cooperation between developed and developing countries.

415. In addition, Mexico has the following science and technology legislation with an international aspect; it is operated by the coordinating body of the science and technology sector:

(a) The Act for the Promotion and Coordination of Scientific and Technological Development;

(b) The Act establishing the National Science and Technology Council.

Question No. 6 (b)

416. The extent of this participation may be judged from the answer given below to question 9. The bilateral and multilateral collaboration machinery operates at three levels: between Governments, between academic institutions, and between the manufacturing sectors. Within this framework scientists participate in congresses, seminars, courses and other activities. For example, at the Third Latin American Scientific Congress of Medical Students, held in Maizales, Colombia, in August 1991, Mexico was awarded an undergraduate scientific research prize, and Colombia made grants for 10 pieces of research work at the Metropolitan University and the Universities of Guanajuato and Guadalajara.

Question No. 9

417. In accordance with Mexico's foreign policy, priority has been given to Central America in the provision of technical cooperation; a start has also been made on the establishment of technical cooperation programmes with countries of the Caribbean. Part of the assistance to less developed countries also goes to a number of South American countries, such as Peru, Bolivia and Paraguay, and to African countries, and an exchange of information and documents has been initiated with these countries in various technical areas.

418. At the end of 1991, of the 639 proposals for technical cooperation programmes with Central American countries, 38.3 per cent concerned Guatemala, 14.4 per cent Nicaragua, 10.5 per cent El Salvador, 10 per cent Honduras, 7.8 per cent Belize, and the remainder regional activities; this represented an increase of 57 per cent over 1990. Two hundred and sixty-eight Mexican experts took part in these programmes and 417 Central American experts and officials were received in Mexico. Half of the exchanges took place in 1991, with the active participation of Mexican institutions. This cooperation represented some seven million man-days of advisory services provided by Mexico, 3,296 of them in 1991. More than 1,200 Central American scientists received training in 46 short courses. Of the total current projects in the region, 20.2 per cent is at the pre-project stage, 27.8 per cent has been approved and will start up in the next few months, 18.4 per cent is already in operation, and the remaining 26.6 per cent has been completed.

419. The countries of the Caribbean have submitted 90 proposals for cooperation, 62 per cent of which are at the pre-project stage. Technical cooperation agreements exist with Jamaica, the Dominican Republic and Trinidad

and Tobago, and the signing of basic agreements with the remaining countries has been proposed.

420. Bolivia, Paraguay and Peru have submitted 33 proposals for inclusion in the cooperation activities. And although no cooperation programmes were in force, Mexico responded to requests for technical information from Gabon, Senegal and Tanzania.

421. Under technical cooperation arrangements with developed countries 31 projects were completed and 210 are in operation - a higher figure than in 1990.

422. Contacts were stepped up between Mexican institutions and their counterparts in the United States and Canada. Technical assistance was provided by the United States for the implementation of 66 projects which are making a significant contribution in such areas as basic science, environment, fisheries, health, telecommunications, agriculture, etc. With assistance from Canada 13 projects are currently in operation in the areas of environment, water, forestry, occupational safety, etc.

423. Mexico has received technical assistance from European developed countries, with the number of projects and volume of funding reaching higher levels than in 1990. Twenty-four projects were completed and 120 are in operation. The breakdown by country for projects completed and in operation is: France 6 and 34; Germany 4 and 27; Spain 1 and 9; Great Britain 4 and 10; Italy 1 and 6; USSR 2 and 10; and European Community 6 and 25.

424. With technical assistance from Japan seven projects were completed and 31 are in operation in the areas of environment, mining, telecommunications and hydraulic and port engineering. In addition, 172 Japanese experts provided 15,400 man-days of advisory services for Mexican experts, 22 Mexicans received training in Japan, and 50 Latin Americans attended three international courses in Mexican institutions financed by Japan. This is one of the most important technical cooperation programmes for Mexico.

425. In addition, the following meetings were held: the Mexican-German joint commission on scientific, technological and technical cooperation, in Bonn, and the Mexico-European Community joint subcommission on technical and scientific cooperation.

426. In 1991 activities under a total of 250 projects implemented by various public and private bodies were coordinated, negotiated or concluded; these bodies received technical and financial support from international and regional organizations. In accordance with the policy of supporting in multilateral forums any initiative designed to protect the country's sovereignty, Mexico attended the meeting for the preparation of the fifth programming cycle of the United Nations Development Programme (UNDP). At this meeting, in coordination with various other Latin American countries, Mexico stressed the need not to cut by any substantial amount the UNDP indicative planning figures for the cycle beginning in 1992. Mexico also took part in meetings of the Organization of American States, where again it campaigned against any reduction in the volume of financial support provided for technical cooperation activities.

List of annexes */

1. Articles 2 and 3 of the Constitution of the United Mexican States.

2. Minimum wage tables.

3. Evolution of the real minimum wage 1978-1981.

4. Average wage subject to contributions to IMSS 1982-1991.

5. Occupational accidents and diseases 1980-1990.

5A. Detailed statistical data on the housing situation.

6. National Housing Programme table showing the number of loans and their total amount in 1989-1992.

7. Mental health care and services, and treatment provided by component and by federal state.

7A. Infant mortality rates by federal state.

8. Specific mortality rates by group of disease and by age group.

9. Loss of years of potential life.

9A. Numbers of children immunized.

10. Life expectancy by sex and federal state.

11. Human resources (doctors) and material resources (beds) indicators in the health system.

12. Population with access to trained personnel for treatment of diseases and injuries with regular supply of 20 essential drugs.

13. First prenatal consultations by federal state.

14. Outpatient prenatal checks by federal state.

15. Maternity deaths from complications in pregnancy, delivery and puerperium by federal state.

16. Outpatient consultations for children under 15 by federal state.

17. Outpatient consultations for healthy children by age group and federal state.

18. Detailed statistical data on education.

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*/ These statistical tables may be consulted in the files of the United Nations Centre for Human rights in the Spanish version received from the Government of Mexico.